

# Washington State Register

April 19, 2000

OLYMPIA, WASHINGTON

ISSUE 00-08



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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

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## REPUBLICATION OF OFFICIAL DOCUMENTS

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## CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of April 2000 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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# WASHINGTON STATE REGISTER

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### WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

## 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

## 5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

1999 - 2000

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS	Count <sup>20</sup> days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 24, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 8, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 21, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 5, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 19, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Nov 2, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 23, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 7, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 21, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 4, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 19, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Feb 1, 00
00 - 01	Nov 24, 99	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 25, 00	Feb 23, 00
00 - 02	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 8, 00	Mar 7, 00
00 - 03	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 22, 00	Mar 21, 00
00 - 04	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 7, 00	Apr 4, 00
00 - 05	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 21, 00	Apr 18, 00
00 - 06	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 15, 00	Apr 4, 00	May 2, 00
00 - 07	Feb 23, 00	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 25, 00	May 23, 00
00 - 08	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 9, 00	Jun 6, 00
00 - 09	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 3, 00	May 23, 00	Jun 20, 00
00 - 10	Apr 5, 00	Apr 19, 00	May 3, 00	May 17, 00	Jun 6, 00	Jul 5, 00
00 - 11	Apr 26, 00	May 10, 00	May 24, 00	Jun 7, 00	Jun 27, 00	Jul 25, 00
00 - 12	May 10, 00	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 11, 00	Aug 8, 00
00 - 13	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 25, 00	Aug 22, 00
00 - 14	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 8, 00	Sep 6, 00
00 - 15	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 22, 00	Sep 19, 00
00 - 16	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 16, 00	Sep 5, 00	Oct 3, 00
00 - 17	Jul 26, 00	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 26, 00	Oct 24, 00
00 - 18	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 10, 00	Nov 7, 00
00 - 19	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 24, 00	Nov 21, 00
00 - 20	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 7, 00	Dec 5, 00
00 - 21	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 21, 00	Dec 19, 00
00 - 22	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 15, 00	Dec 5, 00	Jan 3, 01
00 - 23	Oct 25, 00	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 26, 00	Jan 23, 01
00 - 24	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 9, 01	Feb 6, 01

<sup>1</sup> All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup> A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup> At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

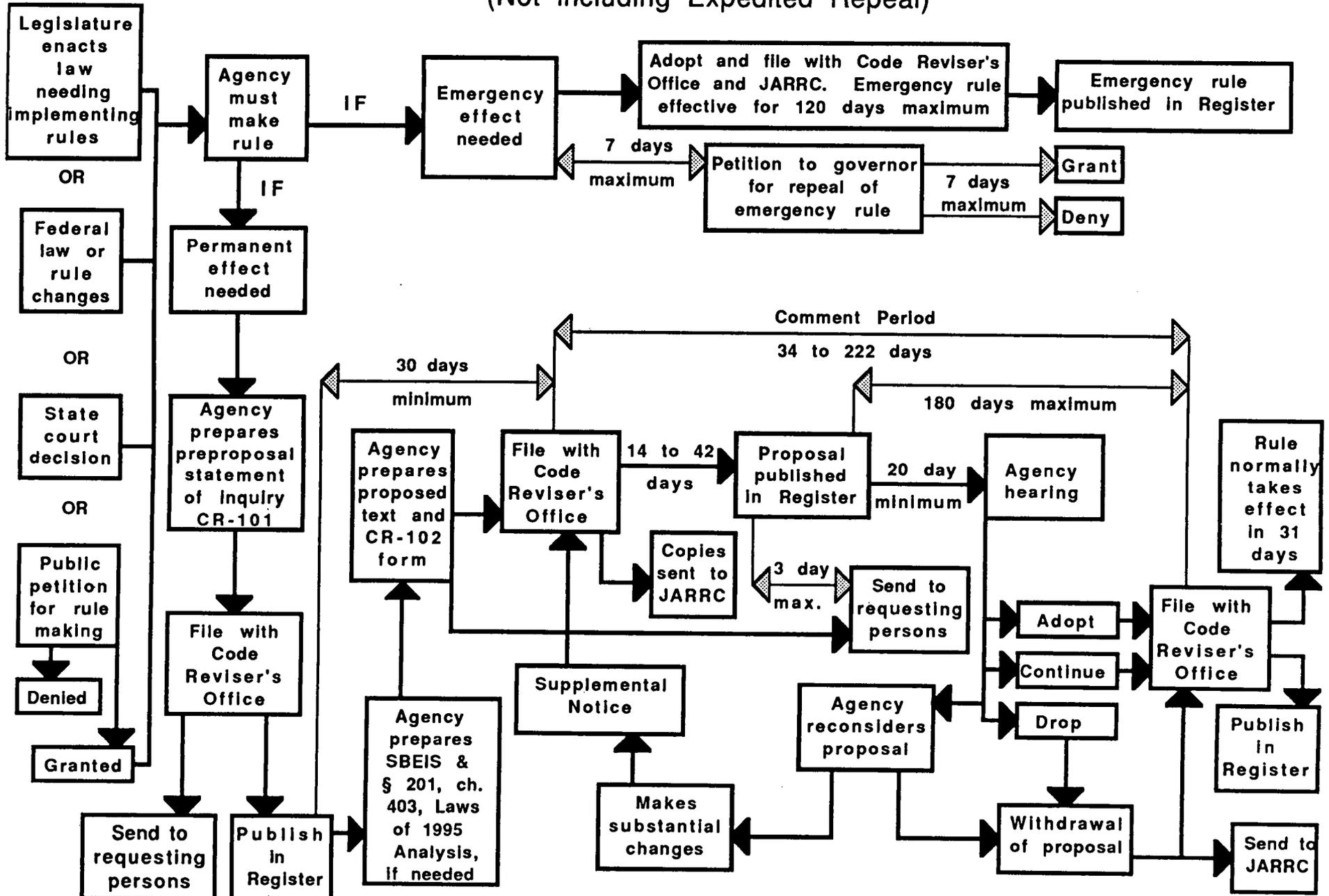
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 00-08-007A**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed March 23, 2000, 9:24 a.m.]

Subject of Possible Rule Making: Amend miscellaneous teachers' retirement system (TRS) and public employees' retirement system (PERS) rules to comply with new statutes and Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 41.32 and 41.40 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under chapters 41.40 and 41.32 RCW et seq. the Department of Retirement Systems is authorized to promulgate rules necessary to manage and administer TRS and PERS.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rule will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as state employees who will become members of the system, their employers and representatives. We will also make copies of the draft rules available to any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Bryant, Administrator, Public Employees' Retirement System, (360) 664-7193, Margaret Wimmer, Administrator, Teachers' Retirement System, (360) 664-7044, Elyette M. Weinstein, Rules Coordinator, (360) 664-7307, Legal/Legislative Services, Department of Retirement Systems, fax (360) 753-3166, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380.

March 23, 2000  
 Elyette M. Weinstein  
 Rules Coordinator

**WSR 00-08-014**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed March 24, 2000, 1:05 p.m.]

Subject of Possible Rule Making: Puget Sound commercial crab and shrimp rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Puget Sound commercial crab and shrimp fisheries continues to evolve in the wake of the tribal entry into these activities. Measures to balance allocation between treaty and nontreaty fishers and between

commercial and recreational fisheries need to be adopted to be enforceable throughout the season.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by June 29, 2000. Expected proposal filing July 5, 2000.

March 24, 2000

Evan Jacoby  
 Rules Coordinator

**WSR 00-08-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed March 24, 2000, 3:13 p.m.]

Subject of Possible Rule Making: WAC 388-545-0500 Physical therapy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 34 C.F.R. 303.12 (4)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recently amended this rule to update policy and to comply with the Governor's Executive Order 97-02 on Regulatory Improvement. After the rule became effective, stakeholder comments indicated that certain program requirements listed in WAC 388-545-0500(3) were unclear as to requirement and intent. The department is amending this rule to clarify program requirements for clients provided physical therapy through an early intervention program under the Individuals with Disabilities Act (IDEA). The amendment will also correct a cross-reference to a repealed WAC section that has been updated and established under a new section.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

March 23, 2000

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 00-08-029**

**PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

[Filed March 28, 2000, 12:34 p.m.]

Subject of Possible Rule Making: TIAA/CREF retirement plan, chapter 131-16 WAC. RE: Eligibility and participation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: TIAA/CREF new eligibility threshold approved by state board effective July 1, 1999, presents possible conflict with PERS statute, RCW 41.40.023. The proposed rule revisions will address possible conflicts.

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claire Krueger, Executive Assistant and Administrative Rules and Contracts Coordinator, (360) 753-7413, ckrueger@SBCTC.ctc.edu.

March 27, 2000  
Claire C. Krueger  
Executive Assistant and  
Agency Rules Coordinator

**WSR 00-08-043**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed March 30, 2000, 4:14 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Disabled person parking privileges, to include but not limited to WAC 308-96A-306, 308-96A-311, 308-96A-312, 308-96A-313, 308-96A-314, and 308-96A-316.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.381.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 30, 2000  
Deborah McCurley, Administrator  
Title and Registration Services

**WSR 00-08-036**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed March 29, 2000, 2:25 p.m.]

Subject of Possible Rule Making: Crab gear limitation. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.20.480, 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been instructed by the legislature to establish even-flow harvesting to accomplish long-term stability in the coastal crab industry. The department will propose gear limitations to accomplish this goal.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phil Anderson, Interjurisdictional Resources Manager, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2720, fax (360) 902-2182. Contact by May 23, 2000. Expected proposal filing May 24, 2000.

March 29, 2000  
Evan Jacoby  
Rules Coordinator

**WSR 00-08-048**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitation Services)  
(Mental Health Division)

[Filed March 31, 2000, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 275-54 WAC, Juvenile involuntary treatment; chapter 275-55 WAC, Voluntary admission—Involuntary commitment, treatment and/or evaluation or mentally ill persons; and chapter 275-57 WAC, Community mental health programs, are being rewritten in clear language format and combined. The rewritten rules will be renumbered into Title 388 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.05.690, 71.05.215, 71.24.035, 71.34.800, 43.20B.110 [43.20B.110], 43.20B.335, 9.41.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Compliance with the executive order on regulatory improvement; integration of rules about the administration of community mental health programs, including services to children and adults, in both outpatient and inpatient settings, on both voluntary and involuntary basis to be consistent with the integrated system that has been evolving since the creation of the regional support networks; streamlining the rules by eliminating duplication,

inconsistency and conflict; and incorporating WAC 440-44-090 and chapter 275-16 WAC, Liability for costs of care and hospitalization of the mentally ill.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health registers, licenses and certifies people who provide mental health treatment, has law on confidentiality, and licenses some facilities that provide mental health services. Drafts of the rule will be shared with the Department of Health, and meetings held if necessary.

Process for Developing New Rule: The draft will be broadly circulated for stakeholder review and comment. It will be revised as necessary, following reviewer comment. To receive a copy of the draft rules contact the staff person below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dorene Buckles, Mental Health Division, P.O. Box 45320, Olympia, WA 98504, phone (360) 902-0822, e-mail Buckles@dshs.wa.gov.

March 27, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### WSR 00-08-049

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed March 31, 2000, 10:46 a.m.]

Subject of Possible Rule Making: To repeal and amend sections of WAC 388-15-650 through 388-15-662, adult day services. Revised sections will be reorganized and moved into chapter 388-71 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: General statutory authority is derived from RCW 74.04.050, 74.04.057, 74.04.200, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending and reorganizing AASA rules into new chapter 388-71 WAC are necessary to comply with the Governor's Executive Order 97-02 and the Secretary's Order on Regulatory Improvement. Rules will be amended to include a grievance process for adult day services and to make other changes, as needed. This CR-101 will replace the former CR-101 filed as WSR 99-24-024 on November 23, 1999.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration, AASA will include them on mailings and invite them to participate in meetings.

Process for Developing New Rule: AASA will schedule informal meetings to allow for feedback and comments from the public. AASA will provide draft language before publishing rules and encourages stakeholders to submit written or verbal comments. When AASA files a notice of proposed

rule making, we will notify interested parties of the scheduled hearing to adopt rules and how to submit comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marietta Bobba, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2562, TTY (360) 493-2637, fax (360) 438-8633, e-mail BobbaM@dshs.wa.gov.

March 27, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### WSR 00-08-050

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF

##### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 31, 2000, 10:48 a.m.]

Subject of Possible Rule Making: WAC 388-408-0025 Optional TANF and SFA assistance unit members and WAC 388-448-0005. The following criteria is used to determine if a child is deprived of parental support due to incapacity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.510, 74.04.050, 74.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The revision will simplify the language and make it easier to understand WAC 388-408-0025 and clear rules are required to describe who are optional assistance unit members. WAC 388-488-0005 the criteria used to determine if a child is deprived of parental support due to incapacity will be repealed since deprivation is no longer a factor in determining eligibility for assistance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Reviewing current rules according to clear writing guidelines and appropriate audiences. Copies will be provided to coordinating agencies and interested persons. All comments will be considered. The Economic Services Administrations regulatory improvement team (RIT) will also review these rules before adoption, comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3074, fax (360) 413-3493, e-mail mcraeca@dshs.wa.gov.

March 30, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**WSR 00-08-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed March 31, 2000, 10:49 a.m.]

Subject of Possible Rule Making: Chapter 388-235 WAC, General assistance unemployable and related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision is being done to meet the requirements for the WAC migration of Title 388 WAC. Chapter 388-235 WAC will be repealed and will be rewritten to meet the standards of Executive Order 97-02. It will then be incorporated into chapter 388-448 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, 1009 College S.E., Lacey, WA 98503, phone (360) 413-3264, fax (360) 413-3493, e-mail giracg@dshs.wa.gov.

March 29, 2000  
Marie Myerchin-Redifer  
Manager

**WSR 00-08-052**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed March 31, 2000, 10:53 a.m.]

Subject of Possible Rule Making: WAC 388-408-0035 Assistance units for food assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The revision will simplify the language and make it easier to understand WAC 388-408-0035. It will also give additional information about who can be considered a live-in attendant.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rule. Anyone interested in participating should contact the staff person indicated below. After the rule is drafted, DSHS will file a copy with

the Office of the Code Reviser with a notice of proposed rule making and send a copy to everyone currently on the mailing list and to anyone else who requests a copy. DSHS will consider all comments. The Economic Services Administrations regulatory improvement team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Forslin, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3083, fax (360) 413-3493, e-mail forslwc@dshs.wa.gov.

March 28, 2000  
Marie Myerchin-Redifer  
Manager

**WSR 00-08-053**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed March 31, 2000, 10:53 a.m.]

Subject of Possible Rule Making: WAC 388-478-0050 Payment standards for recurring additional requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision is being done to update the payment standards information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, Street Address: 1009 College S.E., Lacey, WA 98503, phone (360) 413-3264, fax (360) 413-3493, e-mail giracg@dshs.wa.gov.

March 28, 2000  
Marie Myerchin-Redifer  
Manager

**WSR 00-08-054**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed March 31, 2000, 10:54 a.m.]

Subject of Possible Rule Making: Chapter 388-225 WAC, Special payments (on-going additional requirements).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 388-255 WAC will be repealed and rewritten as chapter 388-473 WAC. This revision is being done to meet the requirements for the WAC migration of Title 388

WAC. The revised section will meet the standards of Executive Order 97-02 for regulatory improvement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, Street Address: 1009 College S.E., Lacey, WA 98503, phone (360) 413-3264, fax (360) 413-3493, e-mail giracg@dshs.wa.gov.

March 28, 2000

Marie Myerchin-Redifer  
 Manager

**WSR 00-08-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed March 31, 2000, 10:55 a.m.]

Subject of Possible Rule Making: WAC 388-448-0001 Who is eligible for general assistance-unemployable and 388-448-0005 The following criteria is used to determine if a child is deprived of parental support due to incapacity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The revision to WAC 388-448-0001 is being done to meet the requirements of Title 388 WAC migration and Executive Order 97-02. The revised section will be written in the same clear language format as the new sections that will follow it in chapter 388-448 WAC.

WAC 388-448-0005 is being repealed. RCW 74.12.010 was amended to remove the deprivation requirement as a

result of the passage of ESB 5798 (chapter 120, Laws of 1999) during the 1999 legislative session.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, Street Address: 1009 College S.E., Lacey, WA 98503, (360) 413-3264, fax (360) 413-3493, e-mail giracg@dshs.wa.gov.

March 28, 2000

Marie Myerchin-Redifer  
 Manager

**WSR 00-08-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed March 31, 2000, 10:56 a.m.]

Subject of Possible Rule Making: WAC 388-400-0025 General eligibility requirements of the general assistance unemployable (GAU) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.505, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision is being done to meet the requirements for the WAC migration of Title 388 WAC. Eligibility rules currently in WAC 388-235-1500 and 388-235-9000 are being incorporated into WAC 388-400-0025. The rules for general assistance unemployable eligibility requirements will be incorporated into one section, providing easy access for users.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carla Gira, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, Street Address: 1009 College S.E., Lacey, WA 98503, phone (360) 413-3264, fax (360) 413-3493, e-mail giracg@dshs.wa.gov.

March 28, 2000

Marie Myerchin-Redifer  
 Manager

**WSR 00-08-062**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed March 31, 2000, 11:04 a.m.]

Subject of Possible Rule Making: Chapter 308-77 WAC, Special fuel tax etc., to include but not limited to WAC 308-77-215.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.38.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 30, 2000  
Thao Pham-Manikhoth  
Administrator  
Prorate and Fuel Tax Services

**WSR 00-08-063**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed March 31, 2000, 11:05 a.m.]

Subject of Possible Rule Making: Chapter 308-72 WAC, Motor vehicle fuel tax etc., to include but not limited to WAC 308-72-500, 308-72-665, 308-72-690, 308-72-700, and 308-72-710.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.36.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957,

or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 30, 2000  
Thao Pham-Manikhoth  
Administrator  
Prorate and Fuel Tax Services

**WSR 00-08-064**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed March 31, 2000, 11:05 a.m.]

Subject of Possible Rule Making: Chapter 308-78 WAC, Aircraft fuel tax etc., to include but not limited to WAC 308-78-010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.42.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 30, 2000  
Thao Pham-Manikhoth  
Administrator  
Prorate and Fuel Tax Services

**WSR 00-08-067**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed April 3, 2000, 9:03 a.m.]

Subject of Possible Rule Making: Chapter 308-300 WAC, Consolidated licensing system, specifically, WAC 308-300-010 through 308-300-200.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.02.030(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 21 rule sections identified above are being reviewed to determine if they are still required, if they still contain accurate information, and if they are effective and easily understood. All interested parties are invited to comment on these rules. The findings from this review may indicate some of these rules need to be amended

or repealed. Any subsequent rule making is intended to simplify, improve, and bring these rules up-to-date.

Process for Developing New Rule: Agency study; and public comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. All interested parties may present their views and comments. To have your comments considered in the review process please submit them in time to be received no later than June 15, 2000. Comments may be submitted in writing, by fax, by telephone, or e-mail, and should be addressed to ATTN: Clyde Zahn, Department of Licensing, P.O. Box 9034, Olympia, WA 98507-9034, phone (360) 664-1447, fax (360) 753-9668, e-mail czahn@dol.wa.gov.

April 3, 2000  
Nancy A. Skewis  
Administrator  
Master License Service

### WSR 00-08-072

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed April 3, 2000, 4:01 p.m.]

Subject of Possible Rule Making: WAC 458-20-18801 Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a revision to this rule to incorporate legislation that has passed since this rule was last revised. The department also anticipates providing additional information to clarify the effect of court and departmental administrative decisions. It also anticipates removing the sample exemption certificate now provided in the rule and explaining that the exemptions may be documented using the multi-use "Buyer's Retail Sales Tax Exemption Certificate."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, phone (360) 586-9040, e-mail alanl@dor.wa.gov.

Location and Date of Public Meeting: 9:30 a.m. on May 16, 2000, at the Capital Plaza Building, 4th Floor, #400, Large Conference Room, 1025 Union and Eastside Streets, Olympia, WA.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 586-0721.

April 3, 2000  
Claire Hesselholt  
Rules Manager  
Legislation and Policy Division

### WSR 00-08-088

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 5, 2000, 8:21 a.m.]

Subject of Possible Rule Making: Create new chapter 388-492 WAC, Washington state combined application project (WASHCAP), to implement the Washington state combined application project. May find it necessary to amend related existing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This project will streamline the food assistance eligibility process for some types of supplemental security income (SSI) recipients, to allow certain SSI recipients to be eligible for food assistance without any added paperwork or eligibility determination. The project will increase access and centralize the case maintenance for these clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Social Security Administration is the primary partner agency. They will be involved in the project design, development, and implementation.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. After, the rule(s) is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Kone, Project Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3205, fax (360) 413-3493, TTY (360) 413-3001, e-mail koneam@dshs.wa.gov.

April 4, 2000  
Edith M. Rice, Chief  
Office of Legal Affairs

**WSR 00-08-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed April 5, 2000, 8:38 a.m.]

Subject of Possible Rule Making: Rules that give actuarially equivalent retirement options to retired members of the Law Enforcement Officer and Fire Fighter Retirement Plan 2, Teachers Retirement System, Washington School Employees Retirement System, Public Employee Retirement System and Washington State Patrol Retirement System.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 41.26.460, 41.32.530, 41.32.785, 41.32.851, 41.35.220, 41.40.188, 41.40.660, and 43.43.278.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation passed in the 2000 regular session of the legislature mandates that the Department of Retirement Systems adopt the above-referenced rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department did not seek input on the preliminary draft prior to filing the CR-101. Copies of the draft rules will be circulated to interested parties for comment. Interested parties include those persons known to the department, such as state employees, their representatives and any other person who requests a copy and/or opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Zan Johnston, LEOFF and WSPRS Administrator, (360) 664-7042, or Jack Bryant, PERS Plan Administrator, (360) 664-7193, or Margaret Wimmer, TRS Plan Administrator, (360) 664-7044, or Dave Nelson, SERS Plan Administrator, (360) 664-7163; at the Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, fax (360) 664-3618.

April 5, 2000  
Elyette M. Weinstein  
Rules Coordinator

**WSR 00-08-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed April 5, 2000, 8:53 a.m.]

Subject of Possible Rule Making: Chapter 16-71 WAC, Equine infectious anemia.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule is necessary to carry out the director's duties to protect animal health and public health in the state. Some minor technical changes and wording changes are necessary to update the rule and modernize the language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA APHIS Veterinary Services. RCW 16.36.100 authorizes the director to cooperate with agencies of Washington, other states and the federal government. A general agreement with USDA APHIS VS delineates each agency's responsibilities.

Process for Developing New Rule: The Washington State Department of Agriculture will meet with interested parties and industry constituents to discuss this proposal. Anyone wishing to receive more information on the proposed rule should contact the department using the information listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Kathleen M. Connell, Assistant State Veterinarian, Food Safety and Animal Health Division, Washington State Department of Agriculture, P.O. Box 42577, Olympia, WA 98504, (360) 902-1878, fax (360) 902-2087.

April 5, 2000  
Verne E. Hedlund  
Acting Assistant Director  
for Candace A. Jacobs, DVM, MPH  
Assistant Director

**WSR 00-08-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed April 5, 2000, 8:56 a.m.]

Subject of Possible Rule Making: Chapter 16-42 WAC, Biological products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule is necessary to carry out the director's duties to protect animal health and public health in the state. Some minor technical changes and wording changes are necessary to update the rule and modernize the language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA APHIS Veterinary Services. RCW 16.36.100 authorizes the director to cooperate with agencies of Washington, other states and the federal government. A general agreement with USDA APHIS VS delineates each agency's responsibilities.

Process for Developing New Rule: The Washington State Department of Agriculture will meet with interested parties and industry constituents to discuss this proposal. Anyone wishing to receive more information on the proposed rule should contact the department using the information listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Kathleen M. Connell, Assistant State Veterinarian, Food Safety and Animal Health Division,

Washington State Department of Agriculture, P.O. Box 42577, Olympia, WA 98504, (360) 902-1878, fax (360) 902-2087.

April 5, 2000  
Verne E. Hedlund  
Acting Assistant Director  
for Candace A. Jacobs, DVM, MPH  
Assistant Director

**WSR 00-08-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed April 5, 2000, 9:43 a.m.]

Subject of Possible Rule Making: Revision of the existing methodology applied to certificate of need applications for the tertiary health services of open-heart surgery, therapeutic cardiac catheterization and percutaneous transluminal coronary angioplasty.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.38.135 and chapter 59, Laws of 2000.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The certificate of need program uses these rules to guide its decisions on applications pertaining to open-heart and related type services. The legislature has directed the department to revise the existing methodology, taking into consideration changes in standards of practice and promptly adopt it into rule. The effect of a revised rule will be to assure that regulated services will be appropriately available to the population, while assuring that quality of care, cost containment and overall health system viability are maintained.

Process for Developing New Rule: The rule-making process will include at least three meetings as well as multiple opportunities for review and comment of drafts being developed. A representative workgroup that fulfills the requirements of the enacted legislation will assist the department in the revision process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorraine Edwards, DOH/HSQA/FSL/Certificate of Need, P.O. Box 47852, Olympia, WA 98504-7852, (360) 705-6637, (360) 705-6654, e-mail Lorraine.Edwards@doh.wa.gov.

April 4, 2000  
M. C. Selecky  
Secretary

**WSR 00-08-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed April 5, 2000, 9:44 a.m.]

Subject of Possible Rule Making: Continuing competency requirements for renewal of the license and relicensing of orthotists and prosthetists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.200.050(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement legislation enacted by 1997 legislature concerning continuing competency requirements for orthotists and prosthetists.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Open public meetings. Review and comment through mail, e-mail or fax.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Haenke, P.O. Box 47870, Olympia, WA 98504, phone (360) 236-4947, fax (360) 586-0745.

April 4, 2000  
Nancy Ellison  
for Mary Selecky  
Secretary

**WSR 00-08-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed April 5, 2000, 9:45 a.m.]

Subject of Possible Rule Making: Amend WAC 246-930-010 General definitions, 246-930-030 Education required prior to examination, 246-930-040 Professional experience required prior to examination, 246-930-200 Application and examination, and 246-930-410 Continuing education requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.155.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the mandatory review process, these rules were identified as needing amendments. The rules need to be amended for clarity and to address 1999 legislative changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Interested parties were invited to participate in the mandatory review of all significant or controversial rules, these rules were identified as needing amendments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Young, Program Manager, Department of Health, Sex Offender Treatment Provider Program, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4917, fax (360) 236-4918.

April 4, 2000  
Nancy Ellison  
for Mary C. Selecky  
Secretary

**WSR 00-08-108****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed April 5, 2000, 10:59 a.m.]

Subject of Possible Rule Making: WAC 458-40-650  
Timber excise tax—Timber quality codes defined.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 82.32.300 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The law (RCW 84.33.091)  
requires that the department provide stumpage value tables  
and take into account the timber's quality when drawing up  
these tables. The tables break specific species of timber into  
quality classes by code. This allows the department to more  
carefully define the stumpage value for that species. The  
stumpage values determined in these tables are used by tim-  
ber harvesters to determine the value of the timber prior to  
harvesting and the timber excise tax due on this value.

The quality codes for the timber currently are diameter  
dependent (the diameter of the timber determines the grade of  
the timber). These quality codes are being reexamined  
because the log market has changed (moving from a diame-  
ter-basis to a product basis pricing system and because of the  
limited availability of larger diameter logs). Changes being  
considered are how to simplify this reporting and take into  
account these market changes.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: Although the United States Forest Service and Wash-  
ington State Department of Natural Resources both regulate  
forest practices, they are not involved in valuation for pur-  
poses of taxation. The quality codes would not impact their  
regulatory functions or aid them in their regulatory functions  
so there is no need to involve them in the changes in quality  
coding for valuation purposes provided in this rule.

Process for Developing New Rule: Modified negotiated  
rule making.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication. Written comments should be submitted by the pub-  
lic meeting date to ensure full consideration, but will be  
accepted if they are received two weeks before the date of  
adoption. Written comments may be submitted by mail, fax,  
or at the public meeting. Oral comments will be accepted at  
the public meeting or later public hearing. A draft of the  
amended rule may be obtained upon request. Written com-  
ments or requests for the draft rule may be directed to Ed Rat-  
cliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA  
98504-7467, phone (360) 586-3505, fax (360) 664-0693, e-  
mail [edr@dor.wa.gov](mailto:edr@dor.wa.gov).

Location and Date of Public Meeting: Department of  
Revenue Conference Room, Target Place Building No. 4,  
2735 Harrison Avenue N.W., Olympia, WA, on May 11,  
2000, at 10 a.m.

Assistance for Persons with Disabilities: Contact Ginny  
Dale no later than ten days before the meeting date, TDD 1-  
800-451-7985, or (360) 586-0721.

April 5, 2000  
Claire Hesselholt  
Rules Manager  
Legislation and Policy Division

**WSR 00-08-109****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed April 5, 2000, 11:00 a.m.]

Subject of Possible Rule Making: WAC 458-40-660  
Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 82.32.300 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The law (RCW 84.33.091)  
requires that the stumpage value tables be revised twice each  
year and directs that reasonable and adequate allowances for  
age, size, quality, costs of removal, accessibility to point to  
conversion, and market conditions be considered. The  
stumpage values are established by the department so that  
timber harvesters are apprised of the timber values on which  
the timber excise tax is calculated. The current rule adjusts  
values by a fixed amount for the volume of timber harvested  
per acre or board feet and the slope of the area being har-  
vested. Harvesting practices and regulations involving these  
practices have changed since these adjustments were  
adopted. The department is reviewing the rule to determine  
if the fixed values, need, and method for these adjustments  
remain valid and/or whether these adjustments can be simpli-  
fied for ease in reporting and administration.

Other Federal and State Agencies that Regulate this Sub-  
ject and the Process Coordinating the Rule with These Agen-  
cies: Although the United States Forest Service and Wash-  
ington State Department of Natural Resources both regulate  
forest practices, they are not involved in valuation for pur-  
poses of taxation. The nontax processes and definitions are  
coordinated with these agencies to avoid conflict, but there  
should be no need to involve them in the valuation revisions  
provided in this rule.

Process for Developing New Rule: Modified negotiated  
rule making.

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication. Written comments should be submitted by the pub-  
lic meeting date to ensure full consideration, but will be  
accepted if they are received two weeks before the date of  
adoption. Written comments may be submitted by mail, fax,  
or at the public meeting. Oral comments will be accepted at  
the public meeting or later public hearing. A draft of the  
amended rule may be obtained after April 25, 2000, upon  
request. Written comments or requests for the draft rule may  
be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box  
47467, Olympia, WA 98504-7467, phone (360) 586-3505,  
fax (360) 664-0693, e-mail [edr@dor.wa.gov](mailto:edr@dor.wa.gov).

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on May 11, 2000, at 10 a.m.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the meeting date, TDD 1-800-451-7985, or (360) 586-0721.

April 5, 2000  
Claire Hesselholt  
Rules Manager  
Legislation and Policy Division

**WSR 00-08-110**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed April 5, 2000, 11:01 a.m.]

Subject of Possible Rule Making: WAC 458-20-195 Taxes, deductibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a revision to this rule to rectify incorrect statutory citations, and to provide additional examples of various taxes which are or are not deductible.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to D. Douglas Titus, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 664-0687, fax (360) 664-0693, e-mail dougt@dor.wa.gov.

Location and Date of Public Meeting: On May 16, 2000, at 1:30 p.m., Capital Plaza Building, 4th Floor, #400, Large Conference Room, 1025 Union and Eastside Streets, Olympia, WA.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 586-0721.

April 5, 2000  
Claire Hesselholt  
Rules Manager  
Legislation and Policy Division

**WSR 00-08-111**

**PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed April 5, 2000, 11:04 a.m.]

Subject of Possible Rule Making: Amends WAC 204-24-030(5).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.12.330.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending this WAC will eliminate confusion caused by the present wording. The change will clarify the use of studded tires by removing information that implies studded tires and chains are considered equal, as approved traction devices.

Process for Developing New Rule: Not applicable.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, P.O. Box 42635, Olympia, WA 98504, phone (360) 412-8934, fax (360) 493-9090.

April 4, 2000  
Annette M. Sandberg  
Chief



**WSR 00-08-027**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed March 28, 2000, 9:48 a.m.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-012      Audiometric services.

The Following Sections are Proposed for Expedited Repeal: WAC 232-12-161.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091.

Reason the Expedited Repeal of the Rule is Appropriate: The state and tribes have replaced the monthly steelhead guide report (this rule) and the weekly report (as per *U.S. v. Washington*, 459 F. Supp. 1020, 1088) with alternate harvest and escapement data collection, obviating the need for these reports.

March 28, 2000  
Evan Jacoby  
Rules Coordinator

**WSR 00-08-057**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed March 31, 2000, 10:57 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 388-86-012 Audiometric services.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98503-5850, fax (360) 664-6185.

Reason the Expedited Repeal of the Rule is Appropriate: This rule is no longer necessary because it has been incorporated into the new WAC 388-545-700 Therapies—Speech/audiology services.

March 29, 2000  
Marie Myerchin-Redifer  
Manager, Rules and Policies

EXPEDITED ADOPTION



WSR 00-08-005  
PROPOSED RULES  
DEPARTMENT OF LICENSING

(Sellers of Travel)

[Filed March 22, 2000, 4:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-028.

Title of Rule: WAC 308-129-100 and 308-129-230.

Purpose: To allow the department to clarify by rule, criminal violation reporting requirements, surety bonding requirements and to eliminate duplicating of statute in rule for advertising as determined by legislative mandate.

Statutory Authority for Adoption: RCW 19.138.170(1).

Statute Being Implemented: RCW 19.138.100(1), 19.138.140(7).

Summary: Legislative changes to chapter 19.138 RCW has deemed it essential to revise the rules to the Seller of Travel Act in order to provide effective protection to Washington state consumers.

Reasons Supporting Proposal: The new legislation passed in 1999 mandates the criminal violation reporting period be extended to ten years from five years, allows a sellers of travel company to file a surety bond in lieu of a trust account, and further clarifies advertising stipulations for the industry by eliminating a rule that duplicates a statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Schneider, 405 Black Lake Boulevard, Building #2, Olympia, WA 98502, (360) 586-0396.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Sets the annual gross income or business dollar amount conducted in relationship to the surety bond amount, requires certain law violations to be reported within the past ten years, and repeals advertising language which now appears in the RCW.

Proposal Changes the Following Existing Rules: This amended rule establishes the legislative mandated surety bond amounts according to annual gross income, establishes the reporting method for the gross annual income, and clarifies law violations reporting period for the application process. The second WAC change, pertaining to advertising, is repealed as the same language now appears in the RCW.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Legislative mandates do not require a small business economic impact statement.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Building #2, BPD Conference Room #1, Olympia, WA 98502, on May 11, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Randy Renfrow by May 5, 2000, TYY [TTY] (360) 586-2788, or (360) 586-0396.

Submit Written Comments to: Michael Schneider, Deputy Administrator, Department of Licensing, Sellers of

Travel Section, P.O. Box 9649, Olympia, WA 98507-9649, phone (360) 586-0396, fax (360) 664-2550, by May 5, 2000.

Date of Intended Adoption: May 12, 2000.

March 21, 2000

Michael W. Schneider

Deputy Administrator

AMENDATORY SECTION (Amending WSR 96-14-092, filed 7/2/96, effective 8/2/96)

**WAC 308-129-100 Applications—Conditions.** Any person desiring to be registered as a seller of travel shall submit with the application form:

(1) If the applicant, within the past ~~(five)~~ ten years, has been found guilty of a felony involving moral turpitude, a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion, a copy of such conviction or judgment shall be included.

(2) In lieu of the CPA/LPA/bank officer report required by RCW 19.138.110(5), an applicant may submit an affidavit or declaration signed under penalty of perjury setting out the information required by RCW 19.138.110(5).

(3) Applicants who certify under penalty of perjury that they do not hold for more than five business days any non-exempt funds received from any person or entity for retail travel services shall not be required to report or maintain a trust account or other approved account under RCW 19.138.110(5).

(4) A seller of travel applying to be licensed under chapter 19.138 RCW may submit a surety bond as described in RCW 19.138.140 (7)(a)(i) or other instrument approved by the department as described in RCW 19.138.140 (7)(a)(iv). The amount of the surety bond or other approved instrument shall be based upon the prior year's annual gross income of business conducted as outlined in the following scale:

<u>Annual Gross Income of Business Conducted:</u>	<u>Amount of Surety Bond or other instrument approved by the department:</u>
<u>\$199,999 and under</u>	<u>\$10,000</u>
<u>\$200,000 through \$499,999</u>	<u>\$20,000</u>
<u>\$500,000 through \$749,999</u>	<u>\$30,000</u>
<u>\$750,000 through \$999,999</u>	<u>\$40,000</u>
<u>\$1,000,000 and above</u>	<u>\$50,000</u>

(5) Sellers of travel companies upon application and renewal shall attest to their gross annual income of business conducted on a form provided by the department.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-129-230 Advertising.

PROPOSED

**WSR 00-08-010**  
**PROPOSED RULES**  
**PUBLIC WORKS BOARD**

[Filed March 23, 2000, 9:28 a.m.]

Date of Intended Adoption: June 6, 2000.

March 23, 2000

Pete Butkus

Executive Director

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-04-096.

Title of Rule: Loan and financing guarantee applications, WAC 399-30-030.

Purpose: To add to the list of direct costs eligible for public works loans, specifically, costs to establish an assessment district or the costs of elections required for a specific project.

Other Identifying Information: NOTE: This proposal is the same as an emergency WAC filed as WSR 00-04-097.

Statutory Authority for Adoption: RCW 43.155.040(4).

Statute Being Implemented: Chapter 43.155 RCW.

Summary: This WAC will expand the list of direct costs eligible for public works loans.

Reasons Supporting Proposal: Initiative 695, as passed by the voters on November 2, 1999, raises the possibility that some local government customers of the board will need to obtain voter approval of project financing. The board is considering the addition of "election costs" as an eligible direct cost item.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pete Butkus, P.O. Box 48319, Olympia, WA 98504-8319, (360) 586-7186.

Name of Proponent: Public Works Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The emergency WAC has not caused any negative impacts to board operations or budget.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will allow the costs to develop an assessment district (Examples: ULID, LID, RID, and business improvement district) or the costs to conduct an election to be eligible for public works loans.

Proposal Changes the Following Existing Rules: Language as noted above is added to WAC 399-30-030.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no small business impact, all customers are local governments.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Wyndham Gardens Hotel, 18118 Pacific Highway South (International Boulevard), SeaTac, WA, on June 6, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Receptionist by May 23, 2000, TDD (360) 586-4224, or (360) 586-4172.

Submit Written Comments to: Pete Butkus, Public Works Board, P.O. Box 48319, Olympia, WA 98504-8319, fax (360) 664-3029, by May 23, 2000.

**AMENDATORY SECTION** (Amending WSR 98-24-010, filed 11/19/98, effective 12/20/98)

**WAC 399-30-030 Loan and financing guarantee applications.** (1) Any local government in the state of Washington may apply for a loan or financing guarantee to assist in financing critical public works projects.

(2) All applicants must meet the following conditions:

(a) Applicant cities and counties must be imposing a real estate excise tax under RCW 82.46.010(2) at a rate of at least one-quarter of one percent;

(b) Applicant local governments must have developed a long-term plan for financing public works needs as further described in the loan application package under "capital facilities planning."

(3) Direct costs eligible for public works loans are those costs directly attributable to a specific project and include:

(a) Work done by employees of the applicant, or by other government employees under an inter-local agreement or contract limited to: Engineering, environmental review, design activities, acquisition of rights of way or property, construction inspection activities, roadway seal coating (if bids from private sector contractors have been solicited and compared with the inter-local agreement proposal), and the cleaning, sterilization, or bacteriological testing of water system components prior to public use.

(i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (excluding the administrative organization of the operating unit involved). The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full-time basis the types of services described above and when similar procedures are followed;

(ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:

- (A) F.I.C.A. (Social Security) - employer's share;
- (B) Retirement benefits;
- (C) Hospital, health, dental, and other welfare insurance;
- (D) Life insurance;
- (E) Industrial and medical insurance;
- (F) Vacation;
- (G) Holiday;
- (H) Sick leave; and
- (I) Military leave and jury duty.

Employee benefits must be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs must be based on the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

PROPOSED

(b) Contract engineering, planning, legal, and financial planning services. The board reserves the right to declare ineligible legal costs that are unreasonable and disproportionate to the project.

(c) Right-of-way acquisition costs including:

- (i) Purchase of land and easements acquired for and devoted to the project;
- (ii) Purchase of improvements;
- (iii) Adjustment or reestablishment of improvements;
- (iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;
- (v) Removal or demolition of improvement;
- (vi) Other direct costs in connection with the acquisition.

Amounts received from the sale of excess real property or improvements and from any rentals will be reduced from the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations. However, such costs must be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less not using type of fund are allowed the same rates as used by the department of transportation.

(f) Direct materials and supplies.

(i) An overhead rate or "loading factor" is not considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, will be considered a reduction of direct costs. Any material that is salvaged in connection with a project will be assigned a reasonable value and considered a reduction of direct costs.

(iii) Wetland plants and other materials used for wetland planting, wildlife habitat, or fish habitat may be provided to a public or nonprofit organization without a reduction of direct costs.

(g) Interdepartmental charges for work performed by the local government for the benefit of specific construction projects is limited to direct costs plus an allocation of indirect costs based on ten percent of direct labor dollars, excluding employee benefits.

(h) Other direct costs incurred for materials (~~(or)~~), services (~~(acquired)~~), establishment of assessment districts, or elections required for a specific project are eligible for participation by public works loan funds and may include, but are not limited to such items as:

- (i) Telephone charges;
- (ii) Reproduction and photogrammetry costs;
- (iii) Video and photography for project documentation;
- (iv) Computer usage; (~~and~~)
- (v) Printing and advertising; and
- (vi) Election costs necessary to provide authority to incur debt or to establish a mechanism for debt repayment.

(4) Other than work identified in subsection (3)(a) of this section, no government employee labor related costs, including force account work, are eligible for financing assistance or to be considered as local match under this chapter.

(5) Applications must be submitted in writing, on forms provided by the board for the current funding cycle.

(6) A responsible official of the applicant jurisdiction must sign and verify each application for financial assistance. The official must also provide the board with additional materials or information in support of the application when requested by the board or its staff.

**WSR 00-08-034**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Filed March 29, 2000, 11:41 a.m.]

Original Notice.

Title of Rule: Checklist for survey maps being recorded.

Purpose: Update chapter 332-130 WAC to reflect changes in chapter 58.09 RCW and adopt a survey map recording checklist in WAC, in compliance with RCW 58.09.110.

Statutory Authority for Adoption: RCW 58.24.040(1) and 58.09.110.

Statute Being Implemented: RCW 58.09.050 and 58.09.110.

Summary: The checklist details the minimum requirements for recording a survey map. It addresses the areas of acceptable media, legibility, and indexing. For maps filed pursuant to chapter 58.09 RCW, no other checklist is authorized. WAC 332-130-050(4) is changed to bring it into compliance with new standards established in chapter 58.09 RCW as a result of HB 1542.

Reasons Supporting Proposal: The proposal lowers costs for the survey industry and creates a mandatory use checklist that will provide uniform recording standards throughout the thirty-nine counties.

Name of Agency Personnel Responsible for Drafting: David Steele, Survey Manager, 1111 Washington Street, Olympia, (360) 902-1181; Implementation: DNR Public Land Survey Office and all counties in Washington; and Enforcement: County auditors.

Name of Proponent: County Auditors; Land Surveyors Association of Washington, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None. Consistent with statute, implemented by counties, enforcement does not apply.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 332-130-050 (1)(a)(iii), (1)(d)(i), (1)(d)(iii), and (3)(e) are changed to update and modernize language.

WAC 332-130-050(4) is changed to bring it into compliance with new standards established in chapter 58.09 RCW as a result of HB 1542.

PROPOSED

New subsection WAC 332-130-050(5) is created to add the checklist as required by HB 1542. The checklist details the minimum requirements for recording a survey map. It addresses the areas of acceptable media, legibility, and indexing. For maps filed pursuant to chapter 58.09 RCW, no other checklist is authorized. This section makes the checklist mandatory, providing uniform recording standards throughout the thirty-nine counties.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The survey industry will have more flexibility in meeting recording requirements, which will result in lower map preparation costs. Also, the mandatory use checklist will bring uniformity throughout the state to the recording process which will also lower map preparation costs.

RCW 34.05.328 does not apply to this rule adoption. This is a minor rule pursuant to RCW 34.05.328 (5)(b)(ii), (iii) and does not meet the definition of a significant rule in (c)(iii).

The following law is shown for reference to the above minor rule statement.

RCW 34.05.328 Significant legislative rules, other selected rules.

(5)(a) Except as provided in (b) of this subsection, this section applies to:

(b) This section does not apply to:

(ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, ...

(iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program.

Hearing Location: Natural Resources Building, Room 371, 1111 Washington Street S.E., Olympia, WA 98504-7060, on May 24, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Don Fitch, Department of Natural Resources, Public Land Survey Office, TDD (360) 902-1156, or (360) 902-1197.

Submit Written Comments to: David Steele, Survey Manager, Department of Natural Resources, P.O. Box 47060, Olympia, WA 98504-7060, fax (360) 902-1191, by May 25, 2000.

Date of Intended Adoption: June 15, 2000.

March 21, 2000

Julie Boyer  
Supervisor

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

**WAC 332-130-050 Survey map requirements.** The following requirements apply to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county.

(1) All such documents filed or recorded shall conform to the following:

(a) They shall display a county recording official's information block which shall be located along the bottom or right edge of the document unless there is a local requirement specifying this information in a different format. The county recording official's information block shall contain:

(i) The title block, which shall be on all sheets of maps, plats or plans, and shall identify the business name of the firm and/or land surveyor that performed the survey. For documents not requiring a surveyor's certificate and seal, the title block shall show the name and business address of the preparer and the date prepared. Every sheet of multiple sheets shall have a sheet identification number, such as "sheet 1 of 5";

(ii) The auditor's certificate, where applicable, which shall be on the first sheet of multiple sheets; however, the county recording official shall enter the appropriate volume and page and/or the auditor's file number on each sheet of multiple sheets;

(iii) The surveyor's certificate, where applicable, which shall be on the first sheet of multiple sheets and shall show the name, license number, original signature and seal of the land surveyor who had responsible charge of the survey portrayed, and the date the land surveyor approved the map or plat. Every sheet of multiple sheets shall have the seal and signature of the land surveyor and the date signed;

(iv) The following indexing information on the first sheet of multiple sheets:

(A) The section-township-range and quarter-quarter(s) of the section in which the surveyed parcel lies, except that if the parcel lies in a portion of the section officially identified by terminology other than aliquot parts, such as government lot, donation land claim, homestead entry survey, townsite, tract, and Indian or military reservation, then also identify that official subdivisional tract and call out the corresponding approximate quarter-quarter(s) based on projections of the aliquot parts. Where the section is incapable of being described by projected aliquot parts, such as the Port Angeles townsite, or elongated sections with excess tiers of government lots, then it is acceptable to provide only the official GLO designation. A graphic representation of the section divided into quarter-quarters may be used with the quarter-quarter(s) in which the surveyed parcel lies clearly marked;

(B) Additionally, if appropriate, the lot(s) and block(s) and the name and/or number of the filed or recorded subdivisional plat or short plat with the related recording data;

(b) They shall contain:

(i) A north arrow;

(ii) The vertical datum when topography or elevations are shown;

(iii) The basis for bearings, angle relationships or azimuths shown. The description of the directional reference system, along with the method and location of obtaining it, shall be clearly given (such as "North by Polaris observation at the SE corner of section 6"; "Grid north from azimuth mark at station Kellogg"; "North by compass using twenty-one degrees variation"; "None"; or "Assumed bearing based on ..."). If the basis of direction differs from record title, that difference should be noted;

(iv) Bearings, angles, or azimuths in degrees, minutes and seconds;

(v) Distances in feet and decimals of feet;

(vi) Curve data showing the controlling elements.

(c) They shall show the scale for all portions of the map, plat, or plan provided that detail not drawn to scale shall be so identified. A graphic scale for the main body of the drawing, shown in feet, shall be included. The scale of the main body of the drawing and any enlargement detail shall be large enough to clearly portray all of the drafting detail, both on the original and reproductions;

(d) The document filed or recorded and all copies required to be submitted with the filed or recorded document shall, for legibility purposes:

(i) Have a uniform contrast suitable for scanning or microfilming.

(ii) Be without any form of cross-hatching, shading, or any other highlighting technique that to any degree diminishes the legibility of the drafting detail or text;

(iii) Contain dimensioning and lettering no smaller than 0.08 inches, vertically, and line widths not less than 0.008 inches (equivalent to pen tip 000). This provision does not apply to vicinity maps, land surveyors' seals and certificates.

(e) They shall not have any adhesive material affixed to the surface;

(f) For the intelligent interpretation of the various items shown, including the location of points, lines and areas, they shall:

(i) Reference record survey documents that identify different corner positions;

(ii) Show deed calls that are at variance with the measured distances and directions of the surveyed parcel;

(iii) Identify all corners used to control the survey whether they were calculated from a previous survey of record or found, established, or reestablished;

(iv) Give the physical description of any monuments shown, found, established or reestablished, including type, size, and date visited;

(v) Show the record land description of the parcel or boundary surveyed or a reference to an instrument of record;

(vi) Identify any ambiguities, hiatuses, and/or overlapping boundaries;

(vii) Give the location and identification of any visible physical appurtenances such as fences or structures which may indicate encroachment, lines of possession, or conflict of title.

(2) All signatures and writing shall be made with permanent black ink.

(3) The following criteria shall be adhered to when altering, amending, changing, or correcting survey information on previously filed or recorded maps, plats, or plans:

(a) Such documents filed or recorded shall comply with the applicable local requirements and/or the recording statute under which the original map, plat, or plan was filed or recorded;

(b) Alterations, amendments, changes, or corrections to a previously filed or recorded map, plat, or plan shall only be made by filing or recording a new document;

(c) All such documents filed or recorded shall contain the following information:

(i) A title or heading identifying the document as an alteration, amendment, change, or correction to a previously filed or recorded map, plat, or plan along with, when applicable, a cross-reference to the volume and page and auditor's file number of the altered document;

(ii) Indexing data as required by subsection (1)(a)(iv) of this section;

(iii) A prominent note itemizing the change(s) to the original document. Each item shall explicitly state what the change is and where the change is located on the original;

(d) The county recording official shall file, index, and cross-reference all such documents received in a manner sufficient to provide adequate notice of the existence of the new document to anyone researching the county records for survey information;

(e) The county recording official shall send to ~~((the engineering division of))~~ the department of natural resources, as per RCW 58.09.050(3), a legible copy of any document filed or recorded which alters, amends, changes, or corrects survey information on any document that has been previously filed or recorded pursuant to the Survey Recording Act.

~~(4) ((In the absence of permanency and durability standards for public records, eventually to be established by rule by the Washington state division of archives and records management, the following standards will apply to maps, plats, or plans filed with the county. Upon adoption of rules established by the division of archives and records management, those rules shall prevail over this section.~~

~~(a) The following are deemed to be acceptable material for filing:~~

~~(i) Permanent black ink on mylar;~~

~~(ii) Photo mylar with a fixed silver halide base;~~

~~(iii) Permanent black ink on mylar when the ink is coated with a suitable substance to assure permanent legibility;~~

~~(b) The following are deemed to be unacceptable material for filing:~~

~~(i) Diazo mylar;~~

~~(ii) Linen with an image produced by a dry electrostatic process;~~

~~(iii) Mylars with an image produced by a dry electrostatic process.)~~

Survey maps, plats and plans filed with the county shall be an original that is legibly drawn in black ink on mylar and is suitable for producing legible prints through scanning, microfilming or other standard copying procedures. The following are allowable formats for the original that may be used in lieu of the format stipulated above:

(a) photo mylar with original signatures.

(b) any standard material as long as the format is compatible with the auditor's recording process and records storage system. Provided, that records of survey filed pursuant to

58.09 RCW are subject to the restrictions stipulated in 58.09.110(5) RCW.

(c) an electronic version of the original if the county has the capability to accept a digital signature issued by a licensed certification authority under chapter 19.34 RCW or a certification authority under the rules adopted by the Washington state board of registration for professional engineers and land surveyors, and can import electronic files into an imaging system. The electronic version shall be a standard raster file format acceptable to the county.

(5) The following checklist is the only checklist that may be used to determine the recordability of records of survey filed pursuant to 58.09 RCW. There are other requirements to meet legal standards. This checklist also applies to maps filed pursuant to the other survey map recording statutes, but for these maps there may be additional sources for determining recordability.

#### CHECKLIST FOR SURVEY MAPS BEING RECORDED

(Adopted in WAC 332-130)

The following checklist applies to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county. There are other requirements to meet legal standards. Records of survey filed pursuant to 58.09 RCW, that comply with this checklist, shall be recorded; no other checklist is authorized for determining their recordability.

#### ACCEPTABLE MEDIA:

- For counties required to permanently store the document filed, the only acceptable media are:
  - black ink on mylar or photo mylar
- For counties exempted from permanently storing the document filed, acceptable media are:
  - any standards material compatible with county processes; or, an electronic version of the original.
- All signatures must be original and, on hardcopy, made with permanent black ink.
- The media submitted for filing must not have any material on it that is affixed by adhesive.

#### LEGIBILITY:

- The documents submitted, including paper copies, must have a uniform contrast throughout the document.
- No information, on either the original or the copies, should be obscured or illegible due to cross-hatching, shading, or as a result of poor drafting technique such as lines drawn through text or improper pen size selection (letters or number filled in such that 3's, 6's or 8's are indistinguishable).
- Signatures and seals must be legible on the prints or the party placing the seal must be otherwise identified.
- Text must be 0.08 inches or larger; line widths shall not be less than 0.008 inches (vicinity maps, land surveyor's seals and certificates are excluded).

#### INDEXING:

- The recording officer's information block must be on the bottom or right edge of the map.
- A title block (shows the name of the preparer and is on each sheet of multiple sheets).

An auditor's certificate (on the first sheet of multiple sheets, although Vol./Pg. and/or AF# must be entered by the recording officer on each sheet).

A surveyor's certificate (on the first sheet of multiple sheets; seal and signature on multiple sheets).

- The map filed must provide the following indexing data:

S-T-R and the quarter-quarter(s) or approximate quarter-quarter(s) of the section in which the surveyed parcel lies.

Optional: a graphic representation of the section divided into quarter-quarters may be used with the quarter-quarter(s) in which the surveyed parcel lies clearly marked;

#### MISCELLANEOUS

- If the function of the document submitted is to change a previously filed record, it must also have:
  - a title identifying it as a correction, amendment, alteration or change to a previously filed record.
  - a note itemizing the changes.
- For records of survey:
  - The sheet size must be 18" x 24"
  - The margins must be 2" on the left and 1/2" for the others, when viewed in landscape orientation.
  - In addition to the map being filed there must be two prints included in the submittal; except that, in counties using imaging systems fewer prints, as determined by the Auditor, may be allowed.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

### **WSR 00-08-047**

#### **PROPOSED RULES**

#### **DEPARTMENT OF TRANSPORTATION**

[Filed March 31, 2000, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-088.

Title of Rule: WAC 468-38-290 Farm implements.

Purpose: The rule provides requirements and certain exemptions for the movement of over-dimensional farm implements, as defined in RCW 46.44.130 and [46.44.]140.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: The amended rule includes farm implement dealers, agri-chemical dealers, and employees of both into the exemptions for farmers from certain escort vehicle operation requirements.

Reasons Supporting Proposal: Addresses a collective farm economic hardship with minimal impact to the safety of the motoring public.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Washington State Department of Transportation, Motor Carrier Services, (360) 664-9497; and Enforcement: Captain Colleen McIntyre, Washington State Patrol, Commercial Vehicle Division, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation et al., governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Consistent with statutory language. Provides minor changes to criteria for enforcement. No fiscal impact.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The overall rule provides criteria for the movement of overdimensional farm implements as defined in RCW 46.44.130 and [46.44.]140. These rules differ in some degree to rules associated with other overdimensional rules due to the economic burden placed on the farm community to comply with the general rules. As a consequence, certain exemptions are provided to those engaged in farming activities, specifically, when permits and escort vehicles are required, and certain exemptions from escort vehicle operation requirements (size of escort vehicle passengers, and operator certification).

Proposal Changes the Following Existing Rules: The proposal adds implement dealers, agri-chemical dealers and their employees, to the farmer in receiving exemptions. It also provides a minor adjustment to the routes where the exemptions apply, and two spelling corrections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not provide any adverse effects to small business.

RCW 34.05.328 does not apply to this rule adoption. Rule was created and now proposed for modification under RCW 46.44.090.

Hearing Location: Department of Transportation, Commission Board Room 1D2, Transportation Building, Olympia, Washington 98504, on May 9, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact TDD (800) 833-6388, by May 3, 2000.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 664-9440, by May 3, 2000.

Date of Intended Adoption: May 9, 2000.

March 28, 2000

Gerald E. Smith

Deputy Secretary, Operations

**AMENDATORY SECTION** (Amending Order 192, filed 8/23/99, effective 9/23/99)

**WAC 468-38-290 Farm implements.** (1) A farm implement includes any device that directly affects the production of agricultural products, including fertilizer and chemical applicator rigs and equipment auxiliary to them. For purposes of this section, it must weigh less than forty-five thousand pounds, be less than twenty feet in width, and move on pneumatic tires, or solid rubber tracks having protuberances that will not hurt the highway, when on public highways.

(2) Self-propelled farm implements, including a farm tractor pulling no more than two implements (no vehicle capable of carrying a load may pull more than one trailing

implement, i.e., a truck of any kind) up to sixteen feet wide are exempt from acquiring a special motor vehicle permit for movement: Provided, That the movement of the implement(s) complies with the following safety requirements:

(a) Oversize signs: If the farm implement exceeds ten feet wide, it must display an "oversize load" sign(s) visible to both oncoming and overtaking traffic. Signs must comply with the requirements of WAC 468-38-190. If the implement is both preceded and followed by escort vehicles a sign will not be required on the implement itself.

(b) Curfew/commuter hours: Movement of a farm implement in excess of ten feet wide must also comply with any published curfew or commuter hour restrictions.

(c) Red flags: If the farm implement, moving during daylight hours, exceeds ten feet wide, the vehicle configuration must display clean, bright red flags at least twelve inches square, so as to (~~waive~~) wave freely at all four corners, or extremities, of the overwidth implement and at the extreme ends of all protrusions, projections or overhangs. If the transported implement exceeds the end of the trailer by more than four feet, one flag is required at the extreme rear, also, if the width of the protrusion exceeds two feet, there shall be required two flags at the rear of the protrusion to indicate the maximum width.

(d) Warning lights: Lamps, and other lighting must be in compliance with RCW 46.37.160 Hazard warning lights and reflectors on farm equipment—Slow moving vehicle emblem. The slow moving vehicle emblem is for equipment moving at a speed of twenty-five miles per hour or less.

(e) Convoys: Farm implement convoys shall maintain at least five hundred feet between vehicles to allow the traveling public room to pass safely. If five or more vehicles become lined up behind an implement, escorted or unescorted, the driver/operator of the transported implement, and escorts, if any, shall pull off the road at the first point wide enough to allow traffic to pass safely. Convoying of farm implements is permitted with properly equipped escort vehicles.

(f) Escort vehicles: In general, the use of escort vehicles must comply with WAC 468-38-110 Escort vehicle requirements and WAC 468-38-100, which covers when escort vehicles are required. The following specific exemptions are provided:

(i) A farmer (~~operating his own equipment, or operated by his employee (to include farmers working in a cooperative effort with their neighbors, but not to include commercial for hire farming operations), in transport between his own fields~~), farm implement dealer, or agri-chemical dealer (including employees of each) is exempt from WAC 468-38-110 (5)(a) and (b), (6) relative to passengers, WAC 468-38-110 (11)(e), and (16)(a) and (b) when ((operating)) moving a farm implement off of the interstate and on the following rural interstate segments:

I-90 between Exit 109 (~~Ellensburg~~) Ellensburg and Exit 270 (Tyler);

I-82 between junction with I-90 (~~Ellensburg~~) Ellensburg and Exit 31 (Yakima);

I-82 between Exit 37 (Union Gap) and (~~Exit 102 (West Richland)~~);

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~~I-82 between Exit 114 and~~) the Washington/Oregon border;

I-182 between junction with I-82 (West Richland) and junction with SR-395;

I-5 between Exit 208 (near Marysville) and Exit 250 (near Bellingham).

(ii) On two-lane highways, one escort vehicle must precede the implement(s) and one escort vehicle must follow the implement(s) when the width exceeds twelve and one-half feet wide; implements not exceeding twelve and one-half feet wide are exempt from using escort vehicles.

(iii) On multiple-lane highways, one escort in the rear is required if the vehicle exceeds fourteen feet wide.

(iv) A flagperson(s) may be used in lieu of an escort(s) for moves of less than five hundred yards. This allowance must be stated on any permit that may be required for the move.

(g) Road posting: Posting a route may be used in lieu of escort vehicles if the route to be traveled is less than two miles. Signs reading "oversize vehicle moving ahead" on a square at least three feet on each side (in diamond configuration), with black lettering on orange background, shall be placed at points before the oversize implement enters or leaves the highway and at any entry points along the way. The signs must be removed immediately after the move has been completed.

(3) Farm implements exceeding sixteen feet wide, but not more than twenty feet wide, are required to have a special motor vehicle permit for movement on state highways. A quarterly or annual permit may be purchased by a farmer, or any person engaged in the business of selling and/or maintaining farm implements, to move within a designated area, generally three to four counties. The permit is required to be physically present at the time of movement. In addition to the safety requirements listed in subsection (2) of this section, notification of a move (~~(must)~~ should be made to all (~~Washington state patrol detachment offices or~~) Washington department of transportation maintenance areas affected by the move, to determine if the route is passable. Phone listings are provided with each permit.

**WSR 00-08-058**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed March 31, 2000, 10:59 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-478-0055 SSI standards.

Purpose: Update supplemental security income (SSI) standards for January 1, 2000. These standards were updated January 1, 2000, by emergency rule. This rule making is necessary to permanently adopt these rules.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057.

Statute Being Implemented: RCW 74.08.090, 74.04.057.

Summary: WAC 388-478-0055 SSI standards, is being amended to pass along the federal 2.4% cost-of-living adjustment (COLA) for the SSI program. There is no change in the SSI state supplement amounts except for individuals living alone. To remain within legislatively-directed spending levels, state supplement amounts were temporarily lowered by \$1 per month for October through December and are now being returned (increased by \$1) to the pre-October levels. Standards tables have been reformatted to include information previously contained in footnotes.

Reasons Supporting Proposal: Federal requirement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, LGC, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3021.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Social Security Act, Section 1617; 42 U.S.C. 1382f.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: Summary: WAC 388-478-0055 SSI standards, is being amended to pass along the federal 2.4% cost-of-living adjustment (COLA) for the SSI program. There is no change in the SSI state supplement amounts except for individuals living alone. To remain within legislatively-directed spending levels, state supplement amounts were temporarily lowered by \$1 per month for October through December and are now being returned (increased by \$1) to the pre-October levels. Standards tables have been reformatted to include information previously contained in footnotes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not affect small business.

RCW 34.05.328 does not apply to this rule adoption. This amendment does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 9, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by April 28, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by May 9, 2000.

Date of Intended Adoption: May 10, 2000.

March 31, 2000

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-18-063, filed 8/30/99, effective 10/1/99)

**WAC 388-478-0055 SSI standards.** (1) Supplemental Security Income (SSI) is a cash assistance program for needy

individuals and couples who meet federal disability guidelines as aged, blind or disabled. Since the SSI program began in January 1974, the state of Washington has supplemented the federal benefit level with state funds, known as the SSI state supplement. Persons found eligible for SSI receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income.

(2) Effective ~~((October 1, 1999))~~ January 1, 2000, the federal, state and combined benefit levels for an eligible individual and couple are:

(a) ~~((Area I))~~ Living alone area 1: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

~~(((i) Living alone (own household or alternate care, except nursing homes or medical institutions):~~

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
LIVING ALONE			
Individual	\$ 500.00	\$26.00	\$ 526.00
Individual with One Essential Person <sup>1</sup>	\$ 750.00	\$21.00	\$ 771.00
Couple, both Eligible	\$ 751.00	\$21.00	\$ 772.00
Couple with One Essential Person <sup>2</sup>	\$ 751.00	\$21.00	\$ 772.00
Couple includes Ineligible Spouse	\$ 500.00	\$167.20	\$ 667.20

(ii) Shared living (supplied shelter):

	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
SHARED LIVING			
Individual	\$ 333.34	\$4.81	\$ 338.15
Individual with One Essential Person <sup>3</sup>	\$ 500.00	\$5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$5.30	\$ 505.97
Couple includes One Essential Person <sup>4</sup>	\$ 500.67	\$5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$102.76	\$ 436.10

(b) Area II: All counties other than the above.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions):

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
LIVING ALONE			
Individual	\$ 500.00	\$ 5.55	\$ 505.55
Individual with One Essential Person <sup>1</sup>	\$ 750.00	\$0	\$ 750.00
Couple, Both Eligible	\$ 751.00	\$0	\$ 751.00
Couple with One Essential Person <sup>2</sup>	\$ 751.00	\$0	\$ 751.00
Couple includes Ineligible Spouse	\$ 500.00	\$137.25	\$ 637.25

(ii) Shared living (supplied shelter):

	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
SHARED LIVING			
Individual	\$ 333.34	\$4.81	\$ 338.15
Individual with One Essential Person <sup>3</sup>	\$ 500.00	\$5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$5.30	\$ 505.97
Couple includes One Essential Person <sup>4</sup>	\$ 500.67	\$5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$102.76	\$ 436.10

(c) Residing in a medical institution: Area I and II

	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
MEDICAL INSTITUTION			
Individual	\$30.00	\$11.62	\$41.62))

<u>LIVING ALONE - Own household or alternate care, except nursing homes or medical institutions</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
Individual	\$ 512.00	\$27.00	\$ 539.00

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<u>LIVING ALONE - Own household or alternate care, except nursing homes or medical institutions</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>Individual with:</u> <u>One essential person</u>	\$ 769.00	\$21.00	\$ 790.00
<u>Individual with:</u> <u>Multiple essential persons</u>	\$512 for the eligible individual plus \$257 for each essential person (no state supplement)		
<u>Individual with an ineligible spouse</u>	\$ 512.00	\$ 167.20	\$ 679.20
<u>Couple</u>	\$ 769.00	\$21.00	\$ 790.00
<u>Couple with one or more essential persons</u>	\$ 769 for eligible couple plus \$257 for each essential person (no state supplement)		

(b) Living along area 2: All other counties.

<u>LIVING ALONE - Own household or alternate care, except nursing homes or medical institutions</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>Individual</u>	\$ 512.00	\$6.55	\$ 518.55
<u>Individual with:</u> <u>One essential person</u>	\$ 769.00	\$0.00	\$ 769.00
<u>Individual with:</u> <u>Multiple essential persons</u>	\$512 for the eligible individual plus \$257 for each essential person (no state supplement)		
<u>Individual with an ineligible spouse</u>	\$ 512.00	\$ 137.25	\$ 649.25
<u>Couple</u>	\$ 769.00	\$0.00	\$ 769.00
<u>Couple with one or more essential persons</u>	\$ 769 for eligible couple plus \$257 for each essential person (no state supplement)		

(c) Shared living for both Area 1 and 2.

<u>SHARED LIVING</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>Individual</u>	\$ 341.34	\$4.81	\$ 346.15
<u>Individual with:</u> <u>One essential person</u>	\$ 512.00	\$5.30	\$ 517.30
<u>Individual with:</u> <u>Multiple essential persons</u>	\$341.34 for the eligible individual plus \$170.67 for each essential person (no state supplement)		
<u>Individual with an ineligible spouse</u>	\$ 341.34	\$ 102.76	\$ 444.10
<u>Couple</u>	\$ 512.67	\$5.30	\$ 517.97
<u>Couple with one or more essential persons</u>	\$512.67 for eligible couple plus \$170.67 for each essential person (no state supplement)		

(d) Residing in a medical institution: Area I and II

<u>MEDICAL INSTITUTION</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>Individual</u>	\$30.00	\$11.62	\$41.62

~~((d))~~ (e) Mandatory income level (MIL) for grandfathered claimant. "Grandfathered" refers to a person who qualified for assistance from the state as aged, blind, or disabled, was converted from the state to federal disability assistance under SSI in January 1974, and has remained continuously eligible for SSI since that date.

The combined federal/state SSI benefit level for MIL clients is the higher of the following:

(i) The state assistance standard they received in December 1973, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conver-

sion), plus the federal cost-of-living adjustments (COLA) since then; or

(ii) The current standard.

~~(<sup>1</sup> Eligible individual with more than one essential person living alone: \$ 500.00 for the eligible individual plus \$ 250.00 for each essential person (no state supplement).~~

<sup>2</sup> Eligible couple with one or more essential persons living alone: \$ 751.00 for eligible couple plus \$ 250.00 for each essential person (no state supplement).

<sup>3</sup> Eligible individual with more than one essential person in shared living: \$ 333.34 for eligible individual plus \$ 166.66 for each essential person (no state supplement).

~~4-Eligible couple with one or more essential persons in shared living: \$ 500.67 for eligible couple plus \$ 166.66 for each essential person (no state supplement:))~~

and dogs trained)) for assisting ((~~the hearing impaired under immediate control of their owners~~)) persons with physical, mental and/or sensory disabilities.

(2) Dogs are not permitted on university property unless under immediate control of their owner.

**WSR 00-08-065  
PROPOSED RULES**

**WESTERN WASHINGTON UNIVERSITY**

[Filed March 31, 2000, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-030.

Title of Rule: Chapter 516-52 WAC, Health and safety; control of dogs (on campus), WAC 516-52-010.

Purpose: Update current wording.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Updates and clarifies wording that the use of service animals (dogs) includes assisting persons with mental and physical disabilities.

Name of Agency Personnel Responsible for Drafting: Gloria McDonald, Old Main 335, Western Washington University, Bellingham, WA 98225, (360) 650-3968; Implementation and Enforcement: G. A. Pierce, VPB&FA, Old Main 400, Western Washington University, Bellingham, WA 98225, (360) 650-3180.

Name of Proponent: Western Washington University, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: Clarifies wording that the use of dogs includes assisting persons with mental and physical disabilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications are attached to this policy. No costs imposed on small business through adoption of this rule amendment.

RCW 34.05.328 does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, 516 High Street, Bellingham, WA 98225, on May 18, 2000, at 1 p.m.

Assistance for Persons with Disabilities: Contact Gloria McDonald by May 16, 2000, TDD (360) 650-3725.

Submit Written Comments to: Gloria McDonald, fax (360) 650-6197, by May 16, 2000.

Date of Intended Adoption: June 9, 2000.

March 29, 2000

Gloria A. McDonald  
Rules Coordinator

AMENDATORY SECTION (Amending Order 12-5-85, filed 1/8/86)

**WAC 516-52-010 Control of dogs.** (1) Dogs are not permitted in university buildings except ((~~for seeing eye dogs~~

**WSR 00-08-066  
PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed March 31, 2000, 2:48 p.m.]

Continuance of WSR 00-07-136.

Title of Rule: Proposed repeal of the Washington Asparagus Marketing Order, chapter 16-557 WAC.

Purpose: Continue the adoption date of the proposal to terminate the Washington Asparagus Commission effective March 31, 2000.

Statutory Authority for Adoption: Chapter 15.65 RCW. Statute Being Implemented: RCW 15.65.050 to 15.65.200.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Date of Intended Adoption: April 12, 2000.

March 31, 2000

William E. Brookreson  
Deputy Director

**WSR 00-08-069  
PROPOSED RULES  
OFFICE OF THE  
STATE TREASURER**

[Filed April 3, 2000, 12:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-075.

Title of Rule: Chapter 210-02 WAC, School bond guarantee program.

Purpose: To adopt administrative procedures for the school bond guarantee program pursuant to chapter 39.98 RCW.

Statutory Authority for Adoption: RCW 39.98.080.

Statute Being Implemented: Chapter 39.98 RCW.

Summary: Chapter 210-02 WAC, provides for the administration of the school bond guarantee program application, qualification and issuance of certification pursuant to chapter 39.98 RCW.

Reasons Supporting Proposal: The rules provide for the procedural administration of the school bond guarantee program pursuant to the authority of chapter 39.98 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue Melvin, P.O. Box 40200, (360) 902-9022.

Name of Proponent: Office of the State Treasurer, governmental.

PROPOSED

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 210-02 WAC provides for the administration of the school bond guarantee program application, qualification and issuance of certification pursuant to chapter 39.38 [39.98] RCW.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not regulate or have an economic impact on any small business. The rules only impact participating school districts.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not elect to have section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Office of the State Treasurer, 416 14th Avenue S.W., Second Floor, Room 240, Olympia, WA 98504, on May 9, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Melvin by May 2, 2000, TDD (360) 902-8963, or (360) 902-9022.

Submit Written Comments to: Sue Melvin, P.O. Box 40200, Olympia, WA 98504, fax (360) 902-9044, by May 2, 2000.

Date of Intended Adoption: May 9, 2000.

April 3, 2000  
Gretchen D. Gale  
Legal Counsel

## Chapter 210-02 WAC

### SCHOOL BOND GUARANTEE PROGRAM

#### GENERAL

#### NEW SECTION

**WAC 210-02-010 Definitions.** For purposes of this rule, the following definitions shall apply:

**"Act"** means the Washington State School District Credit Enhancement Program Act, pursuant to chapter 39.98 RCW.

**"Authorized district official"** means the chairperson of the board, the superintendent, or business manager for the school district, or other designee of the board, as designated by resolution provided for in WAC 210-02-020.

**"Bond"** means any voted general obligation bond issued by a school district holding a certificate issued pursuant to the act, and any general obligation bond issued by a school district holding a certificate issued pursuant to the act to refund outstanding voted general obligation bonds of that school district.

**"Certificate of eligibility"** means a certificate issued by the state treasurer pursuant to RCW 39.98.040.

**"Credit enhancement program"** means the school district bond guarantee program established by the act.

**"County assessor"** means the county assessor(s) in the county or counties in which the requesting school district is located.

**"County treasurer"** means the county treasurer of the requesting school district.

**"Fiscally solvent,"** when used for the purposes of any certification required by the act and these rules with respect to the financial condition of a school district seeking to participate in the guarantee program, means that, in the opinion of the person making such certification after giving due consideration to:

- The principal and interest requirements of all outstanding voted general obligation bonds of the school district and of all outstanding bonds issued to refund voted general obligation bonds of the school district;

- The school district's past record of collecting voter-approved excess property taxes and reasonable expectations concerning future collections of voter-approved excess property taxes as required to meet those principal and interest requirements; and

- Such additional financial circumstances, if any, of the school district that such person considers to be material, it is reasonably expected that the school district will be able to satisfy all principal and interest requirements of bonds guaranteed and proposed to be guaranteed by the state under the guarantee program.

**"Guarantee program"** means the Washington state school district credit enhancement program established by the act.

**"Nationally recognized bond counsel firm"** means a bond counsel firm listed in the most recent publication of *The Bond Buyer's Municipal Market Place*.

**"Paying agent"** means the paying agent selected, from time to time, for a bond issue pursuant to state law.

**"School district"** or **"district"** means any school district or its successor under the laws of the state.

**"State"** means the state of Washington.

Terms not otherwise defined shall have the meanings ascribed to them in the act.

#### APPLYING TO THE PROGRAM

#### NEW SECTION

**WAC 210-02-020 Request for certificate of eligibility.** School districts may request a certificate of eligibility at any time during the year by filing the request. Such requests, however, must be submitted no less than thirty days prior to sale of bonds for which the guarantee, if granted, will apply. Requests, and all other written communications pursuant to the guarantee program, shall be addressed to the Debt Management Division, Office of the State Treasurer, Legislative Building, 2nd Floor, P.O. Box 40200, Olympia, Washington 98504-0200. The request shall include:

- The name, county, and district number (if applicable) of the requesting school district;

- The name of the authorized district official for the requesting school district;

- The name of the underwriter, if known, financial advisor (if any) and bond counsel assigned to the financing of the requesting school district to which the guarantee will apply;

- The mailing address, phone number, fax number, and e-mail address (if applicable) of the requesting school district;

- A statement of whether any of the school district's previously issued debt is covered by the guarantee program;

- A copy of the district's ballot proposition resolution, showing details of the special election (date, amount, ballot title) at which the bonds were or are expected to be approved by the voters;

- A copy of the resolution passed by the requesting school district's board of directors (which may be the same resolution as the district's ballot proposition resolution) authorizing the request for a certificate of eligibility;

- A certificate signed by an authorized district official:
  - Stating whether the requesting school district has any bonds, the principal of or interest on which has been paid by the state under the act, and for which there remain outstanding any payment obligations of the district to the state;

- Stating that the requesting school district is, and will remain, in compliance with these administrative rules; and
- Attesting to the accuracy and completeness of the materials provided.

- A nonrefundable application processing fee of one hundred dollars; and

- Any additional materials that may be required by the office of the state treasurer in support of the request for participation in the guarantee program.

### STATE REVIEW AND APPROVAL UNDER THE PROGRAM

#### NEW SECTION

**WAC 210-02-030 Review of request for certificate of eligibility.** Upon receipt of a request for a certificate of eligibility, the state treasurer shall determine whether all items listed in WAC 210-02-020 have been provided. In determining the school district's eligibility under the guarantee program, the office of the state treasurer may request additional information from the school district, as well as from any other person or entity that collects information pertaining to an evaluation that the requesting school district is fiscally solvent.

#### NEW SECTION

**WAC 210-02-040 Issuance of certificate of eligibility.** Upon determining that a school district is eligible to participate in the guarantee program, the state treasurer shall issue a certificate of eligibility to the school district, no later than one business day prior to the bond sale. The certificate of eligibility shall:

- Evidence the school district's immediate qualification for the guarantee program for each bond issue contemplated for guarantee under the act;

- Be valid for one year from the date of its issuance; and

- Be applied only to the bonds approved under the special election specified by the school district in its request for a certificate of eligibility.

#### NEW SECTION

**WAC 210-02-050 Denial of eligibility/determination of ineligibility.** The state treasurer may deny a school district's request for a certificate of eligibility and issue a determination of ineligibility pursuant to RCW 39.98.040, if:

- The school district fails to meet the provisions outlined in the act or any of the requirements outlined in this rule;

The state treasurer may also deny a school district's request for a certificate of eligibility and issue a determination of ineligibility pursuant to RCW 39.98.040, if the state has ever paid, pursuant to the guarantee program, any principal of or interest on any of the school district's bonds and:

- The associated payment obligations of the district to the state are not satisfied; or

- The state treasurer or the state superintendent of public instruction are unable to certify, in writing, that the school district is fiscally solvent.

### USING THE CERTIFICATE TO ISSUE BONDS

#### NEW SECTION

**WAC 210-02-060 Using the certificate of eligibility to obtain the state guarantee.** The school district shall provide to the state treasurer at the time of closing:

- A copy of the bond resolution as adopted by the board of directors of the school district;

- A copy of the final official statement for the bonds to which the guarantee was applied, promptly upon its publication;

- A letter addressed to the state treasurer signed by the school district's nationally recognized bond counsel firm stating that the state treasurer may rely upon such firm's approving legal opinion with respect to the bonds as if that opinion were addressed to the state treasurer.

On the date of the bond closing, the treasurer will provide a certificate evidencing the state's guarantee for use by the school district.

#### NEW SECTION

**WAC 210-02-070 Guarantee final upon issuance.** Pursuant to RCW 39.98.040, if the state treasurer at any time denies a school district a certificate of eligibility in response to a request, such denial shall not affect the validity of the state's guarantee of any outstanding bonds issued pursuant to WAC 210-02-060.

#### NEW SECTION

**WAC 210-02-080 Reference to guarantee in school district bond documents.** School districts with a valid certificate of eligibility, and that have complied with WAC 210-02-060 and all other sections of this rule, shall evidence the state's guarantee of the school district's bonds by including a

description of the state's guarantee in a form to be provided by the state treasurer:

- On the cover of the school district's preliminary official statement(s) and official statement(s), or other offering document(s), for the applicable bond(s); and
- On the face of the school district's applicable bond(s).
- The description of the state's guarantee supplied by the state treasurer must be used in its entirety and may not be modified or amended.

NEW SECTION

**WAC 210-02-090 Ratings.** The office of the state treasurer will undertake to have the Washington school bond guarantee program rated by Standard & Poor's, Moody's Investors Service, and Fitch IBCA. Any school district proposing to issue bonds under the guarantee program may:

- Engage, at its own expense, one or more of the rating agencies to apply the rating of the guarantee program to its bonds; and
- At its discretion, and at its own expense, choose to obtain an underlying rating on the bonds.

**REPAYMENT OF SCHOOL DISTRICT DEBT ISSUED UNDER THE PROGRAM**

NEW SECTION

**WAC 210-02-100 County assessor to levy taxes.** In accordance with applicable law, the county assessor for each school district with outstanding, unpaid bonds issued with the state guarantee provided under the act shall levy property taxes approved by the voters for repayment of the bonds.

NEW SECTION

**WAC 210-02-110 County treasurer to collect taxes and transfer money to paying agent.** In accordance with applicable law, the county treasurer for each school district with outstanding, unpaid bonds issued with the state guarantee provided under the act shall collect property taxes approved by the voters for repayment of the bonds. The county treasurer shall transfer money sufficient for each scheduled debt service payment to its paying agent on or before any principal or interest payment date for the bonds.

**STATE PAYMENT ON BONDS**

NEW SECTION

**WAC 210-02-120 County treasurer notice to state treasurer of insufficient funds.** A county treasurer who is unable to transfer to the paying agent funds required to make scheduled debt service payments on guaranteed bonds of a school district on or prior to the payment date, due to the lack of adequate funds, shall immediately provide notice to the state treasurer and to the paying agent pursuant to RCW 39.98.050. Such notice shall be made to the office of the state treasurer as follows:

- By telephone: (360) 902-9050; and
- By facsimile: (360) 902-9045; and
- By first class mail: Attn: Deputy Treasurer, Debt Management Division, Office of the State Treasurer, Legislative Building, 2nd Floor, P.O. Box 40200, Olympia, Washington 98504-0200.

NEW SECTION

**WAC 210-02-130 Paying agent notice to state treasurer of insufficient funds.** If sufficient funds are not transferred to the paying agent at the time or times required to make scheduled debt service payments on guaranteed bonds of a school district, the paying agent shall immediately notify the state treasurer as follows:

- By telephone: (360) 902-9050; and
- By facsimile: (360) 902-9045; and
- By first class mail: Attn: Deputy Treasurer, Debt Management Division, Office of the State Treasurer, Legislative Building, 2nd Floor, P.O. Box 40200, Olympia, Washington 98504-0200.

NEW SECTION

**WAC 210-02-140 Payment by the state treasurer for bonds issued under the act.** Pursuant to RCW 39.98.070:

- The legislature shall appropriate, in each and every biennial appropriations act, such amount as may be required to make timely payment on school district bonds guaranteed by the state under chapter 39.98 RCW;
- If sufficient money to make any scheduled debt service payment on guaranteed bonds of a school district has not been transferred to the paying agent in a timely manner, the paying agent shall make such scheduled debt service payment and the state treasurer shall transfer sufficient money to the paying agent for such payment.

**SCHOOL DISTRICT REPAYMENT TO STATE**

NEW SECTION

**WAC 210-02-150 Repayment to the state by school districts.** Each school district is responsible for paying in full the principal of and interest on its bonds guaranteed by the state under the guarantee program. The state treasurer shall recover from the district any funds paid by the state on behalf of a school district under the guarantee program in a manner consistent with chapter 39.98 RCW.

NEW SECTION

**WAC 210-02-160 Interest on school district obligations to state.** The state treasurer will charge interest in connection with the recovery of funds under chapter 39.98 RCW. Any interest charged will be in a manner consistent with chapter 39.98 RCW. The interest charged will be what the funds used to make the guarantee payment would otherwise earn in the state treasury.

PROPOSED

NEW SECTION

**WAC 210-02-170 Penalty for state payment under guarantee program.** In addition to charging interest, the state treasurer may impose a penalty on a school district for which the state made a payment under the guarantee program, which penalty shall not be more than five percent of the amount paid by the state pursuant to its guarantee for each instance in which a payment by the state is made. Any penalty imposed will be consistent with chapter 39.98 RCW.

NEW SECTION

**WAC 210-02-180 Other costs.** The district shall pay the fees, expenses and costs incurred by the state in recovering amounts paid under the guarantee.

NEW SECTION

**WAC 210-02-190 Restructure/revision of tax collection.** If the state has made all or part of a debt service payment on behalf of a district that has issued bonds under chapter 39.98 RCW, the state treasurer may:

- Direct the district and the county treasurer to restructure and revise, to the extent permitted by law, the collection of excess levy taxes for the payment of bonds on which the state treasurer has made payments under chapter 39.98 RCW to the extent necessary to obtain repayment to the state treasurer; and
- Require, to the extent permitted by law, that the proceeds of such taxes be applied to the district's obligations to the state if all outstanding obligations of the school district payable from such taxes are fully paid or their payment is fully provided for.

**OTHER**NEW SECTION

**WAC 210-02-200 Exceptions.** The state treasurer may, in his or her discretion, waive any or all provisions of this rule to the extent provided by law.

**WSR 00-08-075**  
**PROPOSED RULES**  
**COMMUNITY COLLEGES**  
**OF SPOKANE**

[Filed April 3, 2000, 4:24 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-009.

Title of Rule: Amend, repeal and adopt new sections to chapters 132Q-04, 132Q-05, 132Q-20, and 132Q-94 WAC.

Purpose: Amending WAC 132Q-04-010 Purpose for adoption of student rules, to change name of district from legal term to more commonly known name.

Amending WAC 132Q-04-020 Definitions, 132Q-04-076 Hazing prohibited, 132Q-04-100 Right of assembly, 132Q-04-110 Commercial activities, 132Q-04-120 Outside speakers, 132Q-04-140 Distribution of materials, 132Q-04-150 Right to demand identification, 132Q-04-180 Initial disciplinary proceedings, 132Q-04-190 Appeals, 132Q-04-200 Composition of college disciplinary committee, 132Q-04-210 Brief adjudicative proceeding, 132Q-04-250 Final decision regarding appeal of disciplinary committee action, 132Q-05-010 Purpose of summary suspension rules, 132Q-05-020 Definitions, 132Q-05-036 Conduct at college functions, 132Q-05-040 Initiation of summary suspension proceedings, 132Q-05-050 Notice of summary proceedings, 132Q-05-060 Procedures of summary suspension proceeding, 132Q-05-070 Decision by vice-president, 132Q-05-080 Notice of suspension, 132Q-05-090 Suspension for failure to appear, 132Q-05-100 Appeal, 132Q-20-010 Purpose for adopting rules, 132Q-20-020 Definitions, 132Q-20-040 Permits required for vehicles on campus, 132Q-20-060 Valid permit, 132Q-20-090 Permit revocation, 132Q-20-110 Right to appeal permit revocation or refusal to grant permit, 132Q-20-130 Designation of parking space, 132Q-20-150 Parking hours, 132Q-20-160 Overnight parking, 132Q-20-170 Regulatory signs and directions, 132Q-20-180 Speed limit, 132Q-20-200 Special traffic and parking regulations and restrictions authorized, 132Q-20-210 Two-wheeled motor bikes or bicycles, 132Q-20-220 Report of accidents, 132Q-20-240 Enforcement, 132Q-20-250 Issuance of traffic tickets, 132Q-20-260 Fines and penalties for students, 132Q-20-270 Liability of college, 132Q-94-010 Declaration of purpose, 132Q-94-020 Rationale, 132Q-94-030 Students' responsibilities, 132Q-94-130 Violations, and 132Q-94-150 Prohibition of firearms and other dangerous instrumentalities, housekeeping changes.

Amending WAC 132Q-04-170 Initiation of prosecution, delete two subsections, which are nonredundant.

Amending WAC 132Q-04-240 Decision by the committee, the change creates a recommendation to the president.

Amending WAC 132Q-04-260 Disciplinary action, the change gives the college president authority to act without repeating the process for continuing or repetitive violations.

Amending WAC 132Q-04-280 Reporting, recording and maintenance of records, the change clarifies that disciplinary records become a part of the student's record, unless a petition for removal is received and granted.

Amending WAC 132Q-05-033 Authority to suspend, change gives appeal process to the appropriate vice president.

Amending WAC 132Q-20-080 Transfer of permits, change clarifies that a permit cannot be transferred from one individual to another.

Amending WAC 132Q-94-125 Pets and other animals prohibited in college buildings and grounds, change is for clarification.

New section WAC 132Q-04-031 Prohibited conduct, to consolidate all prohibited conduct into one regulation.

Repealing WAC 132Q-04-035 Smoking, 132Q-04-040 Liquor, 132Q-04-050 Drugs, 132Q-04-060 Cheating, 132Q-04-061 Plagiarism, 132Q-04-067 Classroom conduct, 132Q-04-068 Conduct at college functions, 132Q-04-070 Theft and/or sale of stolen property, 132Q-04-075 Damaging prop-

erty, 132Q-04-080 Intimidation/interference, 132Q-04-081 Stalking, 132Q-04-082 Threatening/objectionable behavior, 132Q-04-083 Assault, 132Q-04-085 Abusive conduct, 132Q-04-090 Forgery or alteration of records, 132Q-04-094 Misuse of computer privileges, 132Q-04-095 Computer trespass and 132Q-04-096 Misrepresentation of identity, to consolidate all prohibited conduct into one regulation.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: To update district rules regarding student conduct, suspension and dismissal procedures, traffic and parking rules and general safety and health rules.

Reasons Supporting Proposal: To improve district efficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Geoffrey Eng, 2000 North Greene Street, (509) 533-7435.

Name of Proponent: Community Colleges of Spokane, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal changes primarily are for housekeeping purposes and district efficiency. Many rules repealed are now consolidated in one rule to create ease of reading and understanding. Various other changes include updating terminology and title changes.

Proposal does not change existing rules. The proposal changes do not effect any current rule in a substantive manner. Changes are primarily for housekeeping purposes and clarification.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption. Rules are primarily for internal district operation and are not subject to violation by a nongovernment party.

Hearing Location: 2000 North Greene Street, Spokane, WA 99217, on June 20, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Geoff Eng by June 12, 2000, TDD (509) 533-7466, or (509) 533-7406.

Submit Written Comments to: Fax (509) 533-8193, by June 12, 2000.

Date of Intended Adoption: June 20, 2000.

March 30, 2000

Geoffrey Eng

Associate Vice Chancellor for  
Workforce Development and Research

**AMENDATORY SECTION** (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-04-010 Purpose for adoption of student rules.** (1) All colleges administered by the board of trustees for Washington State Community College District 17 doing business as Community Colleges of Spokane are maintained by the state of Washington for the accomplishment of certain special purposes; namely, the provision of programs of instruction in higher education, the advancement of knowledge through scholarship and research, and the provision of

related community services. Like any other social institution having its own special purpose, a college must maintain conditions conducive to the effective performance of its functions. Consequently, the college has special expectations regarding the conduct of the various participants in the academic community. Student conduct which distracts from or interferes with accomplishment of college purposes is not acceptable.

(2) Admission to a college within the district carries with it the presumption that students will conduct themselves as responsible members of the academic community. This includes an expectation that students will obey the law, will comply with rules and regulations of the college and its departments, will maintain a high standard of integrity and honesty and will respect the rights, privileges and property of other members of the college community.

(3) It is assumed that students are and wish to be treated as adults. As such, the students will accept responsibility for their own conduct. In order to accomplish educational purposes of the college and also to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions, the following rules regarding the conduct of students are hereby adopted. Sanctions for violations of the rules of student conduct herein adopted will be administered by the college in the manner provided by said rules. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to proper civil authorities. In case of minors, this conduct may be referred to parents or legal guardians.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-020 Definitions.** As used in this chapter, the following words and phrases shall mean:

(1) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(2) "Board" shall mean the board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane.

(3) "College" shall mean any community college or center which may be created by the board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane.

(4) "College facilities" shall mean and include any or all real property owned, ~~((rented, leased, or))~~ operated, or maintained by the board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane, and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed or representing on a full-time or part-time basis ~~((except those who are faculty as defined in subsection (8) of this section, by any community college administered by the board of trustees for Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane.

(6) "Disciplinary action" shall mean and include the expulsion, suspension or admonition of any student by the appropriate college president or ((college)) vice-president ((of student services)) for the violation of any designated rule of student conduct for which a student is subject to disciplinary action.

(7) "District" shall mean ((Washington State)) Community Colleges ((District 17)) of Spokane.

(8) ((~~"Faculty" shall mean any employee of Washington State Community College District 17 which includes full-time and part-time faculty, administrators, counselors, librarians, or department heads who are employed by any community college administered by the board of trustees.~~

(9)) "President" unless otherwise designated shall mean the duly appointed president or chief executive ((officer)) of any ((campus of Washington State)) Community Colleges ((District 17)) of Spokane.

((10)) (9) "Rules of student conduct" shall mean those rules regulating student conduct as herein adopted in this chapter.

((11)) (10) A "student" is defined as any person who is or has been officially registered at any college or instructional unit with ((Washington State)) Community Colleges ((District 17)) of Spokane and with respect to whom the college maintains education records or personally-identifiable information.

#### NEW SECTION

**WAC 132Q-04-031 Prohibited conduct.** Disciplinary action may be taken for a violation of any provision of this student code or for a violation of other district and college rules, policies and regulations by a student which may from time to time be properly enacted including, but not limited to, the following:

(1) Smoking as well as the use of chewing tobacco in district or college facilities and college vehicles shall not be permitted.

(2) Using, possessing, consuming or being under the influence of, or selling any liquor as defined by applicable law or in a manner which disrupts a college activity.

(3) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined by applicable law in a district/college facility or while participating in a college-related program.

(4) Engaging in lewd, indecent, or obscene behavior.

(5) Conducting one's self in a manner which presents an imminent danger to college property or to himself/herself or to other students or persons in college facilities on or off campus, or to the education process of the college.

(6) Interfering by force or violence with, or intimidation by threat of force or violence, of another student, college personnel, faculty, or visitor who is in the peaceful discharge or conduct of his/her duties or studies.

(7) Engaging in disorderly or abusive behavior including threatening behavior which interferes with the rights of others or which obstructs or disrupts teaching, learning, research or administrative functions.

(8) Conducting or participating in an assembly which violates the guidelines of assembly as defined elsewhere in this chapter.

(9) Engaging in academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding and abetting academic dishonesty.

(10) Creating forgery of or unauthorized alteration of or unauthorized access or trespass to any college document, record, fund or instrument of identification, including electronic hardware, software and information systems and applications.

(11) Making intentional false statements and/or filing of false charges against the college and/or members of the college community.

(12) Committing theft or conversion of college property from college; theft or conversion of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(13) Causing or attempting to cause physical damage to property owned, controlled or operated by the college or to property owned, controlled or operated by another person while said property is located on college facilities.

(14) Failing to comply with the direction of college personnel or faculty acting in the legitimate performance of their duties.

(15) Refusing to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(16) Possessing, transporting, or storing of any fire-arm(s), explosives, dangerous chemicals or other weapons, including knives, devices or substances which can be used to inflict bodily harm or to damage real or personal property. This does not apply to commissioned police officers as prescribed by law.

(17) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(18) Violating any of the computer and electronic information, including internet access systems use policies, rules, regulations, guidelines and laws applicable to the district, college or department of the college which include prohibitions against use for commercial benefit or gain and department restrictions prohibiting access into any sexually explicit internet sites.

(19) Engaging in any prohibited discriminatory or harassing behavior as defined by applicable law and/or district policies including stalking or hate activity as defined by law.

(20) Engaging in intentional conduct directed at another student, college personnel or faculty that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment.

(21) Hazing in any form as described in this chapter.

(22) Bringing any person including children to a teaching and learning environment without the express approval of the faculty member or other authorized official.

(23) Bringing any thing or object to a teaching and learning environment that may disrupt the environment or cause a

safety or health hazard without the express approval of the faculty member or other authorized official.

**AMENDATORY SECTION** (Amending WSR 95-16-066, filed 7/28/95, effective 8/28/95)

**WAC 132Q-04-076 Hazing prohibited.** Hazing is prohibited. Hazing means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily (~~danger or physical~~) harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution. Excluded from this definition are "customary athletic events or other similar contests or competitions."

**AMENDATORY SECTION** (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-04-100 Right of assembly.** (1) Students shall have the right of "assembly" as defined in WAC 132Q-04-020 upon college facilities that are generally available to the public. Such assembly shall:

- (a) Be conducted in an orderly manner; and
  - (b) Not unreasonably interfere with vehicular or pedestrian traffic; or
  - (c) Not unreasonably interfere with classes, schedules, meetings or ceremonies, or with educational functions of the college; and
  - (d) Not unreasonably interfere with college functions.
- (2) A student who conducts or participates in an assembly violative of any provision of this section shall be subject to disciplinary action.

(3) Nonstudents who participate in (~~or~~), aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college. Faculty and other college personnel who participate in (~~or~~), aid or abet any assembly or assemblies violative of this section shall be subject to appropriate discipline.

**AMENDATORY SECTION** (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-04-110 Commercial activities.** (1) No one shall use college facilities (~~(will not be used)~~) for commercial solicitation (~~(-advertising)~~) or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or the request of a college department or the office of student activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 132Q-04-140.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-120 Outside speakers.** (1) Any recognized campus student organization with the written certification of its advisor, may invite speakers on that campus subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on a campus does not represent an endorsement, either implicit or explicit, of views or opinions of the speaker by the college, its students, its faculty, its college personnel, its administration or its board.

(3) The scheduling of facilities for hearing invited speakers shall be made through the student senate or the student activities council of the campus at which the speaker will appear.

(4) The appropriate student senate or student activities council will be notified at least seven days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the director of student funded programs/student center) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring organization's advisor, and filed with the director of student funded programs/student center. Exceptions to the seven-day ruling may be made by the director of student funded programs/student center with the approval of the appropriate vice-president (~~(of student services)~~).

(5) The appropriate student senate or student activities council may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting. The president of the college or a designated representative, may assign faculty to preside over any meeting where a speaker has been invited.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-130 Trespass.** (1) The president of the college, or, in such president's absence, the (~~(acting)~~) president's designee, is authorized in the instance of any event that the president (~~(deems)~~) determines to be disruptive of order or which the president (~~(deems)~~) determines to impede(~~(s)~~) the movement of persons or vehicles or which the president (~~(deems)~~) determines to disrupt or threatens to disrupt the (~~(ingress and/or egress)~~) movement of persons from college facilities (~~(-and the president acting through the vice president of student services or such other person designated by the president)~~) or grounds, shall have the power and authority to:

- (a) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or
- (b) To give notice against trespass by any manner provided for by law, to any person, persons, or group of persons

against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon ~~((all or))~~ any or all portion of a college facility; or

(c) To order any person, persons, or group of persons to leave or vacate all of any portion of a college facility or grounds.

(2) Any student who shall disobey a lawful order given by the president, or the president's designee, pursuant to the requirements of subsection (1) of this section, shall be subject to disciplinary action.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-140 Distribution of materials.** (1) Handbills, leaflets, newspapers, and similarly related matter distributed free of charge by any student or students or by members of recognized student organizations or by college personnel, may be distributed upon college facilities designated by the ~~((director of student funded programs/))~~ appropriate student center administrator; provided that such distribution does not interfere with the ~~((ingress and egress))~~ movement of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) Newspapers, leaflets, and similarly related materials offered for sale by any student or nonstudent person or organization may be distributed and sold only through the college book store as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager. Exceptions may be made by the appropriate vice-president or designee.

(3) All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) All students and nonstudents shall be required to register with the ~~((director of student funded programs/))~~ appropriate student center administrator prior to the distribution or sale of any handbill, leaflet, newspaper or related matter, including, but not limited to, posting materials on college bulletin boards and distributing materials in college parking lots.

(5) ~~((Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers or related materials, shall be subject to disciplinary action.~~

(6)) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college or by the board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane.

**AMENDATORY SECTION** (Amending Resolution No. 27), filed 7/23/87)

**WAC 132Q-04-150 Right to demand identification.** (1) For the purpose of determining whether probable cause exists for application of any section of the code of student conduct to any conduct by any person on a college facility, any faculty or other college personnel expressly authorized by the president ~~((of the college))~~ or chief executive ~~((officer))~~ of any instructional unit of the Community Col-

leges of Spokane may demand that any person on college facilities produce evidence of student enrollment at the college, by tender of said person's student identification card.

(2) Refusal by a student to produce a student identification card, as required by subsection (1) of this section, shall be cause for disciplinary action.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-170 Initiation of prosecution.** ~~((+)) Faculty, the vice-president of student services, or the vice-president's designee, and the president shall have concurrent authority to invoke sanctions for violations of the rules of student conduct and to require the commencement of the disciplinary proceedings provided for in WAC 132Q-04-180 through 132Q-04-270.~~

(2) ~~Faculty shall have the authority to take such summary actions as may be necessary to maintain order and proper conduct in the classroom in order to assure the effective cooperation of students in the accomplishment of objectives of the course of instruction. Such actions may be appealed to the president of the college at any time before the end of the next succeeding quarter in which the student is enrolled.~~

(3)) A request for the imposition of disciplinary action for a violation of the rules of student conduct shall be referred in writing to the appropriate vice-president ~~((of student services))~~ within twenty days of the discovery of the facts giving rise to the request. Such a request may be made by any member of the administration, faculty, or college personnel or any student. All such requests must be in writing and signed by the individual making such request. The vice-president may decline the request, implement the request or engage in informal negotiations to resolve the situation.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-180 Initial disciplinary proceedings.** (1) All disciplinary proceedings will be initiated by the appropriate vice-president ~~((of student services, or the vice-president's))~~ or designee, who may also establish advisory panels to advise or act for the office of disciplinary proceedings.

(2) It is the responsibility of the appropriate administrator as designated by the appropriate vice-president ~~((of student services))~~ to be involved in the gathering of information and documentation relative to disciplinary problems that occur in their areas of responsibilities and submit such in written form.

(3) Any student accused of violating any provisions of the rules of student conduct will be called for an initial conference with the appropriate vice-president ~~((of student services, or the vice-president's))~~ or designee, and will be informed of what provision or provisions of the rules of student conduct the student is charged with violating, and what appears to be maximum penalties which might result from consideration of the disciplinary proceeding.

(4) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee, may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning, reprimand, disciplinary probation or fine) subject to the student's rights of appeal described below;

(d) Refer the matter to the college disciplinary committee for appropriate action. The student shall be notified in writing when such a referral is made within three calendar days;

(e) Issue an order of dismissal pursuant to the conditions of WAC 132Q-04-260(4).

(5) A student accused of violating any provision of the rules of student conduct shall be given written notification of any disciplinary action taken by the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee. In the case of an unmarried student under eighteen years of age, written notification of the disciplinary action taken by the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee, shall also be sent to the parents or guardian of the student.

(6) No disciplinary action recommended by the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee, is final unless the student fails to exercise his right of appeal as provided in WAC 132Q-04-190.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-190 Appeals.** Any disciplinary action taken by the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee, may be appealed to the college disciplinary committee; and disciplinary action taken by the college disciplinary committee may be appealed by the student to the president of the college. All appeals by a student must be made in writing to the disciplinary committee or the president and presented to the committee or president within seven days after the student has been notified of the action taken by the disciplinary committee or the president.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-200 Composition of college disciplinary committee.** Each college created by the board of trustees of (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane shall have a college disciplinary committee composed of six members plus the presiding officer for a total of seven people who shall be chosen no later than October 15 of each academic year. The membership shall be selected as follows:

(1) The recognized faculty organization shall appoint two members and an alternate who are teaching on the appro-

appropriate campus or college; such members shall serve a two-year term.

(2) The college president shall appoint two members from the college administration who shall serve at the pleasure of the president.

(3) Student membership shall be appointed by the respective student governments on each college campus. Student membership must include a male and female student and two alternates who shall serve for no more than one year.

(4) The presiding officer of the college disciplinary committee shall be the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee; provided, however, that no person who personally participates in any disciplinary action reviewed by the disciplinary committee may serve as presiding officer, nor may said person cast a vote on the merits of the issue decided by the disciplinary committee pursuant to WAC 132Q-04-240.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-210 Brief adjudicative proceeding.** ~~((+))~~ The college disciplinary committee for each college, will hear, de novo, all disciplinary cases referred to it by the appropriate vice-president (~~(of student services, the vice-president's)~~), designee, or cases where the student appeals the (~~dean's~~) vice-president's decision.

~~((2))~~ (1) The student has a right to a fair and impartial brief adjudicative proceeding before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the committee.

~~((3))~~ (2) The student shall be given written notice by registered or certified mail of the time and place of the proceeding before the college disciplinary committee, and be afforded not less than twenty days notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding;

(b) A statement of the charges including reference to the particular sections of the rules of student conduct involved;

(c) A list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the proceeding.

~~((4))~~ (3) The student shall be entitled to hear and examine the evidence brought forward and be informed of the identity of its source and shall be entitled to present evidence in the student's own behalf and to cross-examine witnesses testifying against the student as to factual matters. The student shall have all authority possessed by the college to obtain information provided requests for such information is specifically described, in writing, and tendered to the appropriate vice-president (~~(of student services)~~) no later than three days prior to the proceedings, or to request the presence of witnesses or the production of other evidence relevant to the issues of the proceedings.

~~((5))~~ (4) The student may be ~~((represented))~~ accompanied by counsel of choice at the disciplinary proceeding however, counsel cannot speak at the proceeding. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days' notice excluding weekends and holidays thereof to the appropriate vice-president ~~((of student services))~~.

~~((6))~~ (5) In all disciplinary proceedings the college may be represented by a designee appointed by the appropriate vice-president ~~((of student services))~~; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to ~~((be represented by))~~ have present a licensed attorney, the appropriate vice-president ~~((of student services))~~ may elect to have ~~((the college represented by))~~ an assistant attorney general attend as well.

~~((7))~~ (6) An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceedings will be taken. A copy thereof shall be available at the office of the appropriate vice-president ~~((of student services))~~.

~~((8))~~ (7) The presiding officer of the college disciplinary committee shall preside at the disciplinary proceeding and make rulings on all evidentiary procedural matters heard in the course of the disciplinary proceeding.

AMENDATORY SECTION (Amending WSR 90-21-016, filed 10/8/90, effective 11/8/90)

**WAC 132Q-04-240 Decision by the committee.** (1) Upon conclusion of the disciplinary proceeding, the college disciplinary committee shall consider all the evidence therein presented and decide by majority vote of the members of the committee which of the following is to be taken:

(a) That the college terminate the proceedings and exonerate the student or students;

(b) That the college impose minor sanctions directly, such as warning, reprimand or minor fine, subject to the student's right of appeal as hereinafter described;

(c) That the college impose any of the disciplinary actions as provided in WAC 132Q-04-260; or

(d) Issue an order to dismiss under the conditions of WAC 132Q-04-260(4).

(2) Upon conclusion of the disciplinary proceeding of a student appeal, the college disciplinary committee shall consider all the evidence therein presented and decide by majority vote of the members of the committee to uphold the previous decision, terminate the proceeding and exonerate the student or students, or ~~((impose))~~ recommend to the college president or designee any disciplinary action authorized under WAC 132Q-04-260.

(3) The student will be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the code of student conduct. The committee shall also advise the student of the right to present, within seven calendar days, a written statement to the president of the college appealing the decision of the college disciplinary committee.

AMENDATORY SECTION (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-250 Final decision regarding appeal of disciplinary committee action.** (1) The president of the college or any representative designated, except the appropriate vice-president ~~((of student services))~~, shall after reviewing the record of the case, include in the report of the college disciplinary committee any statement filed by the student, approval of the recommendations of the college disciplinary committee or give directions as to what lesser disciplinary action shall be taken.

(2) If the president decides that discipline is to be imposed or altered after the review provided by subsection (1) of this section, the president or the president's designee shall notify the student in writing of the discipline imposed. In case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary action shall also be sent to parents or guardian of the student.

AMENDATORY SECTION (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-260 Disciplinary action.** The following disciplinary actions are hereby established any of which shall be the sanctions imposed upon violators of the rules of student conduct:

(1) Disciplinary warning: Notice to a student, either verbally or in writing, that the student has been in violation of the rules of student conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section. The college president may act without the need to utilize the disciplinary committee again for these continuing or repetitive violations.

(2) Reprimand: Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing to the student by the officer or agency taking the action, with copies to the office of student services. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section.

(3) Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of rules of student conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of disciplinary probation shall be cause for disciplinary action.

(4) Dismissal: Termination of student status for violation of the rules of student conduct. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal

and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter must be refunded.

(5) Fines: The office of student services may assess monetary fines against individual students for violation of the rules of student conduct. Failure to pay such fines promptly will result in the cancellation of the student's registration and will prevent the student from reregistering. Tuition fees paid by the student may be refunded at the discretion of the college president.

**AMENDATORY SECTION** (Amending WSR 92-14-038, filed 6/24/92, effective 7/25/92)

**WAC 132Q-04-280 Reporting, recording and maintenance of records.** (1) Records of all disciplinary cases shall be kept by the office of student services. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of student services shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the office initiating the action, if special terms and conditions have been met or if other circumstances warrant the removal. ~~((The office which initiated the action is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record.))~~ A student may petition to that office for removal of such a notation at any time, otherwise the record of disciplinary action shall be part of that student's record.

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 132Q-04-035	Smoking.
WAC 132Q-04-040	Liquor.
WAC 132Q-04-050	Drugs.
WAC 132Q-04-060	Cheating.
WAC 132Q-04-061	Plagiarism.
WAC 132Q-04-067	Classroom conduct.
WAC 132Q-04-068	Conduct at college functions.
WAC 132Q-04-070	Theft and/or sale of stolen property.
WAC 132Q-04-075	Damaging property.
WAC 132Q-04-080	Intimidation/interference.

WAC 132Q-04-081	Stalking.
WAC 132Q-04-082	Threatening/objectionable behavior.
WAC 132Q-04-083	Assault.
WAC 132Q-04-085	Abusive conduct.
WAC 132Q-04-090	Forgery or alteration of records.
WAC 132Q-04-094	Misuse of computer privileges.
WAC 132Q-04-095	Computer trespass.
WAC 132Q-04-096	Misrepresentation of identity.

**AMENDATORY SECTION** (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-05-010 Purpose of summary suspension rules.** (1) The board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane recognizes the need to provide the college's administrators with a summary system of student discipline that can swiftly and fairly respond to immediate disorder on ~~((campus))~~ all district facilities ~~((within the district))~~. The board further desires to create and operate such a system within the framework of fundamental due process as presently embodied in the historic notions embodied in the jurisprudential tool of the temporary restraining order.

(2) It is to be understood, however, that nothing within the rules adopted in this chapter shall be construed to supplant the provisions of the rules of conduct and procedures of enforcement embodied in chapter 132Q-04 WAC and the student disciplinary system created therein. Rather, the provisions of the rules of this chapter shall be deemed to be supplementary to the rules of student conduct by providing a method of suspension during the pendency of the investigation and prosecution for student violations that will be subsequently heard on their merits pursuant to the system embodied in the said rules of student conduct.

**AMENDATORY SECTION** (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-05-020 Definitions.** As used in this chapter, the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane.

(2) "College" shall mean any community college which may be created by the board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane.

(3) "College facilities" shall mean and include any or all real property owned or operated by the board of trustees of ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane, and shall include all building and appurtenances affixed thereon or attached thereto.

(4) "District" shall mean ~~((Washington State))~~ Community Colleges ~~((District 17))~~ of Spokane.

(5) "President," unless otherwise designated, shall mean the duly appointed (~~president or~~) chief executive (~~officer of any campus within Washington State~~) of any college, instructional unit of Community Colleges (District 17) of Spokane.

(6) "Rules of student conduct" shall mean those rules regulating student conduct as adopted in chapter 132Q-04 WAC.

(7) "Student" shall mean and include any person who is enrolled in any community college administered by the board of trustees of (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane.

(8) (~~"Faculty" shall mean any employee of Washington State Community College District 17 which includes full-time and part-time faculty, administrators, counselors, librarians, or department heads who are employed by any community college administered by the board of trustees.~~) "College personnel" refers to any person employed or representing on a full-time or part-time basis Community Colleges of Spokane.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-05-033 (~~Classroom conduct~~) Authority to suspend.** Each faculty member or administrator has the right to suspend up to three (~~class~~) instructional days any student who by any act of misconduct disrupts any college class, program or the learning and teaching environment by engaging in conduct that renders it difficult or impossible to maintain the decorum of the class (~~(see WAC 132Q-04-067; also see WAC 132Q-04-170(2))~~), program or teaching and learning environment. Such suspension may include exclusion from the college or any part thereof during the period of suspension. The faculty member or administrator shall report this suspension to the appropriate vice-president who may set conditions for the student upon return. The student may appeal to the appropriate vice-president and that vice-president may authorize an earlier return by the student only after consultation with the faculty member or administrator.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-05-036 Conduct at college functions.** (~~Each college employee has~~) College personnel have the right to remove or have removed from a college function and/or the college for up to three (~~class~~) instructional days any student who by an act of misconduct, substantially disrupts any college function by engaging in conduct that renders it difficult, or impossible, to continue such function in (~~any~~) an orderly manner (~~(see WAC 132Q-04-068)~~).

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-05-040 Initiation of summary suspension proceedings.** Notwithstanding WAC 132Q-05-033, if the president, or the president's designee, has cause to believe that any student has violated any law of the state or the United

States, or any of the rules of student conduct contained in chapter 132Q-04 WAC, and the president, or president's designee, also has further cause to believe that the student's violations involve:

(1) Participation in any mass protest or demonstration violative of WAC 132Q-04-100, and that immediate disciplinary action is necessary to restore order on any college campus or instructional unit; or

(2) A significant probability that said violation or violations will continue to disrupt the educational environment of the college, so as to render the disciplinary proceeding process contained in chapter 132Q-04 WAC ineffectual.

Then the president, or president's designee, shall, pursuant to the following rules, have authority to suspend said student for a maximum of ten additional instructional days prior to any subsequent disciplinary proceeding initiated under the rules of student conduct contained in chapter 132Q-04 WAC.

AMENDATORY SECTION (Amending WSR 92-14-037, filed 6/24/92, effective 7/25/92)

**WAC 132Q-05-050 Notice of summary proceedings.**

(1) If the president desires to exercise the authority conferred by WAC 132Q-05-040 against any student, he or she shall direct the appropriate vice-president (~~(of student services)~~) to cause notice thereof to be served upon said student.

(2) The notice shall be entitled "notice of summary suspension proceeding" and shall state:

(~~(a)~~) The charges against the student, including reference to the law and/or rules of student conduct involved and (~~(b)~~) that the student charged must appear before the appropriate vice-president (~~(of student services, or the vice president's)~~) or designee, at a time to be set by the vice-president (~~(; but not later than twenty-four hours from the date and time of receipt of the "notice of summary suspension proceeding.")~~).

AMENDATORY SECTION (Amending WSR 92-14-037, filed 6/24/92, effective 7/25/92)

**WAC 132Q-05-060 Procedures of summary suspension proceeding.** (1) At the summary suspension proceeding, the college, through the office of the appropriate vice-president (~~(of student services, or the vice president's)~~) or designee, shall make a determination as to whether there is probable cause to believe that the violation stated in the notice of summary suspension proceedings to the student did occur.

(2) The student may offer oral testimony of himself or herself or of any person, submit any statement or affidavit on his or her own behalf, examine any affidavit and cross-examine any witness who may appear against him or her, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) The appropriate vice-president (~~(of student services)~~) shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of law or of the rules of student conduct has occurred, pursuant to WAC 132Q-05-040 (1) or (2). In the course of making such a decision, said vice-president may only consider the sworn affidavit or oral testimony of persons who have alleged that the student charged has committed a

violation of law or of the rules of student conduct and oral testimony and affidavits submitted by the student charged.

**AMENDATORY SECTION** (Amending WSR 92-14-037, filed 6/24/92, effective 7/25/92)

**WAC 132Q-05-070 Decision by vice-president** (~~(of student services)~~). If the appropriate vice-president (~~(of student services)~~), following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of the rules of student conduct are alleged has committed one or more such violations upon any college facility; and

(2) That summary suspension of said student is necessary to attain peace and order on the campus; and

(3) Such violation or violations of the law or of the rules of student conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132Q-04-260,

Then the appropriate vice-president (~~(of student services)~~) may, with the written approval of the president, suspend such student from college (~~(for a maximum of ten days)~~) pending any subsequent disciplinary proceeding initiated under chapter 132Q-04 WAC or reinstate the student with or without conditions.

**AMENDATORY SECTION** (Amending WSR 92-14-037, filed 6/24/92, effective 7/25/92)

**WAC 132Q-05-080 Notice of suspension.** (1) If a student is suspended pursuant to the above rules, said student will be provided with a written copy of the appropriate vice-president's (~~(of student services)~~) findings of fact and conclusions, as expressly concurred in by the president, as to whether said vice-president had probable cause to believe that the conditions for summary suspension outlined in WAC 132Q-05-040 exists and whether immediate suspension of said student should be issued.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective for (~~(a ten-day)~~) the period dating from the day the notice of suspension is mailed or personal service accomplished.

(3) During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the appropriate vice-president (~~(of student services)~~) or to attend the summary suspension proceeding. However, the appropriate vice-president (~~(of student services)~~) may grant the student special permission to enter for the express purpose of meeting with faculty, college personnel, or students in preparation for the proceeding.

**AMENDATORY SECTION** (Amending WSR 92-14-037, filed 6/24/92, effective 7/25/92)

**WAC 132Q-05-090 Suspension for failure to appear.** If the student, against whom specific violations of the rules of student conduct or law have been alleged has been served

pursuant to the notice required in WAC 132Q-05-050, fails to appear at the time designated for the summary suspension proceeding, the appropriate vice-president (~~(of student services)~~) may, with the written concurrence of the president, (~~(suspend the student from college for a maximum amount of ten days)~~) proceed with the proceedings under WAC 132Q-05-060.

**AMENDATORY SECTION** (Amending WSR 92-14-037, filed 6/24/92, effective 7/25/92)

**WAC 132Q-05-100 Appeal.** (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the board of trustees. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the findings of the appropriate vice-president (~~(of student services)~~) and the president, is tendered at the office of the president within seventy-two hours following the date notice of summary suspension was served or mailed to the student.

(2) The board shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the vice-president and president, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Following such examination, the board of trustees may, at its discretion, suspend the summary suspension pending determination of the merits of the disciplinary proceeding pursuant to the rules of student conduct.

(3) The board shall notify, by registered or certified mail, the appealing student within forty-eight hours following its consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceeding pursuant to the rules of student conduct.

**AMENDATORY SECTION** (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-20-010 Purpose for adopting rules.** Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of (~~(Washington State)~~) Community Colleges (~~(District 17)~~) of Spokane is granted authority to make rules and regulations for pedestrian and vehicular traffic on property owned, operated or maintained by the college district. The rules and regulations contained in this chapter pertain to all faculty, students, college personnel, and visitors who use district facilities unless exempted by the (~~(chief executive officer)~~) chancellor/CEO of the district and are established for the following purposes:

(1) To protect and control pedestrian and vehicular traffic; and

(2) To assure access at all times for emergency traffic; and

(3) To minimize traffic disturbance during class hours; and

(4) To facilitate the work of the community colleges.

**AMENDATORY SECTION** (Amending WSR 97-24-023, filed 11/24/97, effective 12/25/97)

**WAC 132Q-20-020 Definitions.** As used in this chapter the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane.

(2) "Campus" shall mean any or all real property owned, operated or maintained by (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane.

(3) "~~Appropriate vice-president (of student services)~~" shall mean the (~~vice president of~~) chief administrative officer over student services (of Spokane Community College or Spokane Falls Community College) regardless of current position title.

(4) "College" shall mean any community college or separate instructional unit(~~s~~) which may be created by the board of trustees of (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane.

(5) "Faculty" shall mean any employee (~~or official~~) of (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane.

(6) "Campus patrol" shall mean an employee of the college, (~~or a law enforcement student~~) administration of justice student or contracted security personnel, who is responsible to the appropriate vice-president (~~of student services~~) for campus security.

(7) "Student" (~~shall mean~~) is defined as any person who is (~~enrolled in any community college operated by Washington State Community College District 17~~) or has officially registered at any college or instructional unit with the Community Colleges of Spokane and with respect to whom the college maintains education records or personally identifiable information.

(8) "Vehicle" shall mean an automobile, truck, (~~motor-driven cycle~~) motorcycle, scooter, or any vehicle empowered by a motor.

(9) "Visitors" shall mean any person or persons, excluding students as previously defined, who come upon the campus as guests and person or persons who lawfully visit the campus for purposes which are in keeping with the colleges' role as institutions of higher learning in the state of Washington.

(10) "Permanent permits" shall mean permits(~~s~~) which are valid for a school term.

(11) "Quarterly permits" shall mean permits valid for a specified academic quarter.

(12) "Temporary permits" shall mean permits(~~s~~) which are valid(~~s~~) for a specific period designated on the permit.

**AMENDATORY SECTION** (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-040 Permits required for vehicles on campus.** Students, faculty, administration, college personnel, guests and visitors shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132Q-20-050,

except guests and visitors who will be given a reasonable time to secure a temporary permit from the appropriate vice-president (~~of student services, or the vice president's~~) or designee. All students who plan to park on campus and are attending educational programs on campus that meet ten or more times per quarter are required to purchase a valid quarterly permit. Failure to obtain a permit shall be grounds for disciplinary action. The fee for the parking permit shall be established from time to time by the board of trustees of (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane and shall be published. Students attending education programs on campus that meet less than ten times are to obtain temporary guest permits.

**AMENDATORY SECTION** (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-060 Valid permit.** A valid parking permit is:

(1) An unexpired parking permit registered and properly displayed; or

(2) A short-term parking permit authorized by the appropriate vice-president (~~of student services, or the vice president's~~) or designee, and properly displayed; or

(3) A special parking permit authorized by the appropriate vice-president (~~of student services, or the vice president's~~) or designee, and properly displayed; or

(4) A guest's permit authorized by the appropriate vice-president (~~of student services, or the vice president's~~) or designee, and properly displayed; or

(5) A shop permit authorized by a vocational-technical instructor and properly displayed.

**AMENDATORY SECTION** (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-20-080 Transfer of permits.** (~~Parking permits are not transferable. If a vehicle is sold, traded, or if there is a new purchase, a new permit will be issued to the permit holder at a nominal cost if the permit holder does the following:~~

(1) ~~Records permit number and informs the auto registration clerk;~~

(2) ~~Scrapes permit off the window;~~

(3) ~~Brings permit or remnant to appropriate office, which office shall then issue the permit holder a new parking permit registered under a new number.)~~ Student parking permits are not transferable. Replacement student parking permits may be obtained for an unused valid portion of such permit provided that the permit holder requests such replacement pursuant to regulations issued from time to time by the Community Colleges of Spokane. An employee parking permit may be transferred to another vehicle, provided that such permit is duly displayed on the parked vehicle but cannot be transferred to another individual.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-090 Permit revocation.** Parking permits are the property of the college and may be recalled by the appropriate vice-president (~~(of student services)~~) for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists; or
- (2) When a permit is used for an unregistered vehicle or by an unauthorized individual; or
- (3) Falsification on a parking permit application; or
- (4) Continued violations of parking regulations; or
- (5) Counterfeiting or altering a parking permit.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-110 Right to appeal permit revocation or refusal to grant permit.** When a parking permit has been recalled pursuant to WAC 132Q-20-090, or has been refused in accordance with WAC 132Q-20-100, or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee, may be appealed pursuant to WAC 132Q-108-050; provided, however, that faculty, administrators, and college personnel of (~~Washington State~~) Community Colleges (~~(District 17)~~) of Spokane shall appeal permit revocations, refusals to grant permits, and fines or penalties levied for violations by the appropriate vice-president (~~(of student services)~~) to the respective college presidents whose decision on the matter shall be final. Refusal to pay a fine still existing after exhaustion of the appellate process shall be grounds for disciplinary action. In the case of students, failure to pay fines after the exhaustion of the appellate process shall be grounds for the college, in addition to disciplinary action, to deny admission for subsequent enrollment with (~~Washington State~~) Community Colleges (~~(District 17)~~) of Spokane. In the case of (~~(District 17)~~) employees, failure to pay fines could result in the denial of issuing a permit, and/or impounding of vehicles.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-130 Designation of parking space.** The parking spaces available on campus shall be designated and allocated by the appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee, in such a manner which will best effectuate the objectives of the rules and regulations in this chapter.

- (1) Faculty staff, student, and visitor spaces will be so designated for their use; and
- (2) Parking spaces for the exclusive use by persons with disability will be designated. The office of student services may issue special permits to students and others to park in these designated spaces; and
- (3) Other special use spaces may be designated.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-20-150 Parking hours.** Parking is permitted on campus between the hours of 6:30 a.m. to 11:00 p.m. for faculty, college personnel, and students. The rules and regulations pertaining to the use of certain parking permits in specific areas are contained in WAC 132Q-20-140. Students, faculty, and college personnel may park in any of the spaces or stalls designated in WAC 132Q-20-140 except visitor's areas on a first-come, first-served basis between the hours of 5:00 p.m. and 11:00 p.m. Custodial and other authorized personnel may park on campus from (~~(10:00)~~) 11:00 p.m. to 6:30 a.m., and are still required to follow regular parking regulations and obtain parking permits.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-160 Overnight parking.** Overnight parking is prohibited except when approval is granted by the appropriate vice-president (~~(of student services or the vice-president's)~~) or designee.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-170 Regulatory signs and directions.** The appropriate vice-president (~~(of student services, or the vice-president's)~~) or designee, is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the colleges. Such signs, barricades, structures, markings, and directions, shall be so made and placed as in the opinion of the appropriate vice-president (~~(of student services, or vice-president's)~~) or designee, which will best effectuate the objectives stated in WAC 132Q-20-010 and will best effectuate the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus patrol in the control and regulation of traffic.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-20-180 Speed limit.** No vehicle shall be operated on the campuses at a speed in excess of (~~(fifteen miles per hour)~~) the posted speed limit in parking lots; and (~~(fifteen miles per hour)~~) the posted speed limit on campus roads or such slower speed as is reasonable and prudent in the circumstances. No person operating a vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-200 Special traffic and parking regulations and restrictions authorized.** Upon special occasions causing additional and/or heavy traffic and during emergencies, the appropriate vice-president (~~(of student services, or the vice president's)~~) or designee, is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132Q-20-010.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-210 Two-wheeled motor bikes or bicycles.** (1) All two-wheeled vehicles empowered by a motor shall park in a space designated for *motorcycles only*.

(2) No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the appropriate vice-president (~~(of student services, or the vice president's)~~) or designee.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-220 Report of accidents.** The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or *total of claimed damage to either or both vehicles exceeding \$300.00 shall immediately report such accident to the appropriate vice-president* (~~(of student services, or the vice president's)~~) or designee, and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report if required.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-240 Enforcement.** (1) Enforcement of the parking rules and regulations will begin the first day of classes of the fall quarter and will continue through subsequent quarters until the start of the following fall quarter.

(2) The appropriate vice-president (~~(of student services, or the vice president's)~~) or designee, shall be responsible for the enforcement of the rules and regulations contained in this chapter. The appropriate vice-president (~~(of student services)~~) is hereby authorized to delegate this responsibility to the campus patrol or other subordinates.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-250 Issuance of traffic tickets.** Upon the violations of any of the rules and regulations contained in this chapter, the appropriate vice-president (~~(of student services, or the vice president's)~~) or designee or subordinates, may issue a summons or traffic ticket setting forth the date, the approximate time, permit number, license information, infraction, officer, and schedule of fines. Such summons or traffic tickets may be served by attaching or affixing a copy

thereof in some prominent place outside such vehicle or by personally serving the operator or owner.

AMENDATORY SECTION (Amending WSR 92-14-036, filed 6/24/92, effective 7/25/92)

**WAC 132Q-20-260 Fines and penalties for students.** The appropriate vice-president (~~(of student services, or the vice president's)~~) or designee, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under subsection (2) of this section, fines will be levied for all violations of the regulations contained in this chapter. A current schedule of fines is available from the parking office.

(2) Community Colleges of Spokane and its recognized instructional units are authorized to:

(a) (~~(Place an "administrative hold" in the records;~~

(b)) Deny registration for subsequent quarters, and deny registration; and

(~~(c))~~) (b) Deny graduation from the college to any student that fails to promptly pay any financial obligation due the college including the payment for parking citations.

(3) Vehicles which are parked on any campus within (~~(Washington State))~~ Community Colleges (~~(District 17))~~ of Spokane and which are in violation of any of the regulations contained in this chapter, may be impounded or detained by use of mechanical devices at the discretion of the appropriate vice-president (~~(of student services)~~). If a vehicle is impounded, it may be taken to such place for storage as the appropriate vice-president (~~(of student services, or the vice president's)~~) or designee, selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him or her prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(4) At the discretion of the appropriate vice-president (~~(of student services)~~), an accumulation of traffic violations by a student will be cause for disciplinary action, and the appropriate vice-president (~~(of student services)~~) shall initiate disciplinary proceedings against such student pursuant to WAC 132Q-04-180.

(5) The duly elected associated student government officers of Spokane Falls Community College and Spokane Community College may, in a joint meeting with the District 17 executive committee, recommend a proposed schedule of fines prior to adoption of a new fine schedule.

AMENDATORY SECTION (Amending Resolution No. 27), filed 7/23/87)

**WAC 132Q-20-270 Liability of college.** The Community Colleges of Spokane assumes no liability under any circumstances for vehicles parked on campus.

AMENDATORY SECTION (Amending WSR 90-21-022, filed 10/8/90, effective 11/8/90)

**WAC 132Q-94-010 Declaration of purpose.** By adoption of the following health and safety regulations the board of trustees of the (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane expresses its firm commitment to the safety and health of its students and employees. The board further recognizes the importance of students and employees developing safe work habits, particularly in the areas of equipment and machinery operation, and in the handling of potentially hazardous chemical substances. This chapter shall apply to all students(~~(+)~~), employees and visitors and shall pertain to all campuses and sites under the direct or indirect control of the district.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-94-020 Rationale.** Adoption of these health and safety rules by the board of trustees is based on the following standards:

(1) The possibility of accidental injury to an individual exists at all times and in all places and no place of work nor any human activity is exempt from the possibility of accidents.

(2) All community college safety programs are for the benefit of both the (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane and the individual students enrolled within the institution. There is no conflict of interests between the students and the college in the area of an accident prevention program; through accident prevention, everyone benefits.

(3) Accident prevention requires both organization and education, consisting largely of the desire to provide and maintain an environment free of hazards through institution of a common-sense safety program and the determination to carry out the program effectively.

(4) Effective accident prevention includes instructor leadership, student cooperation, effective organization, thorough training, and good supervision.

AMENDATORY SECTION (Amending Resolution No. 27, filed 7/23/87)

**WAC 132Q-94-030 Students' responsibilities.** Students attending (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane shall, to the best of their ability, make it their individual responsibility to keep themselves and their fellow students free from accidents. In the interest of accident prevention, students shall obey the approved district safety rules and procedures including those outlined below, as well as other, more specific safety rules, as outlined by their instructors:

(1) Students shall consider the benefits of accident prevention to themselves, to others, and to their work, and shall act accordingly, conducting their work to avoid accidents through observation of safe work practices.

(2) Students shall study and observe all safe practices governing their specific area of work or class assignment, and

shall make a concerted effort to understand their job and area of assignment.

(3) Students shall ascertain emergency procedures from their instructor or supervisor.

(4) Students shall remain alert for any unsafe condition(s) or practice(s), immediately reporting any observed to their instructor or supervisor.

(5) Students shall promptly report any accident in which they are injured, regardless of the degree of severity, to their instructor or supervisor.

(6) Students shall not engage in practical jokes or horseplay while attending class or while on the job.

(7) Students shall not report to class or a work study position while under the influence of intoxicants or drugs, nor shall such items be used or consumed while on the premises of the (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane or representing the (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane at an off-site location.

(8) Students who receive their instructor's or supervisor's permission to operate a state vehicle shall comply with existing fleet policies and procedures of (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane.

(9) Students shall comply with existing smoking regulations of the (~~Washington State~~) Community Colleges (~~District 17~~) of Spokane.

AMENDATORY SECTION (Amending WSR 97-24-023, filed 11/24/97, effective 12/25/97)

**WAC 132Q-94-125 Pets and other animals prohibited in college buildings and grounds.** For reasons of health, sanitation, and safety, no person shall be permitted to bring or leave any dog, cat, or any other pet or animal in any (~~school~~) college building, nor leave such pet or animal unattended on any district property. (~~All dogs, cats, or other pets of any kind shall be and remain on a leash while on any district property.~~) This section does not apply to (~~the blind, the visually handicapped, the hearing impaired, and the otherwise disabled person~~) persons with a disability who require(~~s~~) the services and assistance of a guide dog and/or trained service animal as defined by law.

AMENDATORY SECTION (Amending WSR 90-21-023, filed 10/8/90, effective 11/8/90)

**WAC 132Q-94-150 Prohibition of firearms and other dangerous instrumentalities.** No employee, student or guest shall carry, transport within a vehicle or otherwise possess any gun, pistol(~~(s)~~) or other firearm or explosive device, hazardous chemicals or any other hazardous device such as knives or substance on any college campus or other district property except for use in an authorized college activity with express authorization from the (~~district vice president~~) chief executive of the campus or an authorized designee.

**WSR 00-08-076****WITHDRAWAL OF PROPOSED RULES  
EMPLOYMENT SECURITY DEPARTMENT**

(By the Code Reviser's Office)

[Filed April 4, 2000, 8:59 a.m.]

WAC 192-16-021, 192-170-050 and 192-170-060, proposed by the Employment Security Department in WSR 99-19-157 appearing in issue 99-19 of the State Register, which was distributed on October 6, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 00-08-077****WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed April 4, 2000, 9:00 a.m.]

WAC 220-52-040 and 220-52-043, proposed by the Department of Fish and Wildlife in WSR 99-19-167 appearing in issue 99-19 of the State Register, which was distributed on October 6, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 00-08-085****PROPOSED RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed April 4, 2000, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-022.

Title of Rule: Washington State Patrol retirement system (WSPRS) benefit options.

Purpose: RCW 43.43.278 requires that the department provide retiring members with actuarially equivalent retirement benefit options by July 1, 2000. This WAC complies with the statutory requirement.

Statutory Authority for Adoption: RCW 43.43.278, 41.50.030, 41.50.050.

Statute Being Implemented: RCW 43.43.278.

Summary: This rule complies with RCW 43.43.278 which requires that the department provide retiring members of WSPRS with an actuarially equivalent retirement options by July 1, 2000.

Name of Agency Personnel Responsible for Drafting: Leah Wilson, 6835 Capitol Boulevard, Tumwater, WA, (360) 664-7049; Implementation and Enforcement: Zan Johnston, 6835 Capitol Boulevard, Tumwater, WA, (360) 664-7042.

Name of Proponent: Department of Retirement Systems, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules conform to RCW 43.43.278 which requires that the department provide retiring WSPRS members with actuarially equivalent benefit options by July 1, 2000.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the Washington State Patrol retirement system administered by the Department of Retirement Systems (DRS). No private business is affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. DRS is not one of the agencies that RCW 34.05.328 applies to. DRS does not opt to voluntarily bring itself within the coverage of that statute.

Hearing Location: Department of Retirement Systems, Room 115, 6835 Capitol Boulevard, Tumwater, WA, on May 15, 2000, at 12:00 p.m. - 2:00 p.m.

Assistance for Persons with Disabilities: Contact Amy Martin by May 12, 2000, at 5 p.m., TDD (360) 586-5450.

Submit Written Comments to: Leah Wilson, Zan Johnston, Department of Retirement Systems, P.O. Box 48330 [48380], Olympia, WA 98504-8380, fax (360) 753-3429, by May 12, 2000.

Date of Intended Adoption: May 15, 2000.

April 4, 2000

Elyette M. Weinstein  
Rules Coordinator

**NEW SECTION**

**WAC 415-103-215 Retirement benefit options.** RCW 43.43.278 requires the department to provide retiring members with an actuarially equivalent retirement option by July 1, 2000. The option pays the retiree a reduced retirement allowance which, upon the retiree's death, continues throughout the life of the lawful surviving spouse. When retiring for service, the married member can select either the historic retirement option under RCW 43.43.270 (Option A) or the actuarially equivalent retirement option (Option B). Both options include a survivor feature that entitles the eligible surviving spouse to receive a monthly allowance after the retiree dies.

(1) **Option A (historic retirement option and survivor benefit).** The department pays the retiree a monthly retirement allowance in accordance with RCW 43.43.260. The department pays survivor benefits in accordance with RCW 43.43.270.

PROPOSED

(a) When the retiree dies, the department pays the retiree's lawful spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree, or an allowance equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be adjusted by the annual increase amount as provided by RCW 43.43.272.

(b) If a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system and the retiree predeceases the spouse, the spouse can receive only the higher of the two survivor's allowances for which he or she qualifies. The surviving spouse cannot receive more than one survivor allowance at a time under this subsection.

(c) To be eligible for an allowance, the lawful surviving spouse of a retired member must have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death, or must have been married to the retired member at least two years prior to the member's death. As used in this section, the terms "spouse," "surviving spouse" and "eligible spouse" mean "lawful surviving spouse."

(d) If the retiree has surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's AFS at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

(e) If there is no surviving spouse or the spouse dies, the child or children will receive a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child.

(f) All payments cease upon the death of the surviving spouse or the youngest unmarried child's attainment of age eighteen, whichever occurs last.

(2) **Option B (actuarially equivalent retirement option and survivor benefit).** The department pays the retiree a monthly benefit that is actuarially reduced by three percent to offset the cost of the survivor feature. The retiree's

annual post-retirement increase (PRI) is based upon the amount of the retiree's reduced benefit.

(a) When the retiree dies, the department pays the retiree's eligible spouse a monthly retirement allowance equal to the gross monthly allowance received by the retiree. This allowance is paid for the duration of the spouse's lifetime. The surviving spouse allowance will be increased every July 1 by the amount of the PRI that had been paid to the retiree under the provisions of RCW 43.43.260(5).

(b) Benefits to the surviving spouse cease upon the spouse's death.

(3) **Retiree's benefit increases if spouse ceases to be married to retiree or predeceases retiree (pop-up provision).**

(a) This section applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree's spouse ceases to be married to the retiree or dies before the retiree, the retiree's monthly retirement allowance increases, effective the first day of the following month, to:

(i) The amount that would have been received had the retiree chosen Option A; plus

(ii) Any post-retirement increases the retiree received prior to the survivor's death or the termination of marriage.

(c) Pop-up recalculation example:

**Option B:**

Bob retires on August 1, 2000. He selects Option B so that his spouse Linda, to whom he has been married for 30 years, will receive his monthly allowance and post-retirement increases after he dies. As a result, his monthly allowance is reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's PRI is \$58.20, two percent of his reduced retirement allowance.

Unfortunately, Linda dies in September 2002. Under the "pop-up" provision, Bob's monthly benefit will increase in October 2002 to a total of \$3,116.40. His new benefit amount is composed of the \$3,000 he would have received had he originally chosen Option A, plus the total of the PRIs he received in 2001 and 2002.

Year	Option A (Historic Survivor Benefit)	Annual PRI Based on Option A Benefit	Option B (Full Survivor Benefit)	Annual PRI Based on Optional B Benefit	Total Benefit
08/01/2000			2,910.00	(not eligible.)	2,910.00
07/01/2001			2,910.00	58.20	2,968.20
07/01/2002			2,968.20	58.20	3,026.40
10/01/2002	3,000.00				3,116.40
07/01/2003	3,000.00	60.00			3,176.40

On July 1, 2003, Bob's PRI will be two percent of the Option A amount (\$60.00) and his benefit will increase to \$3,176.40.

(d) If the retiree whose benefit increases under this section thereafter dies before all contributions are exhausted and there is no surviving spouse or eligible child, the remaining balance is retained by the retirement fund.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 00-08-089**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed April 5, 2000, 8:22 a.m.]

Original Notice.  
 Preproposal statement of inquiry was filed as WSR 00-05-109.  
 Title of Rule: WAC 399-310-0800 Support services.

Purpose: We are amending this rule to make support services available to food stamps E&T families and minor parents, and add new support service limits and categories such as educational expenses, transitional work expense.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 78.08A.340.

Statute Being Implemented: RCW 74.08.090, 74.04.050, and 78.08A.340(2).

Summary: Makes support services available to food stamps E&T families and minor parents, and adds new support service limits and categories such as educational expenses, transitional work expense.

Reasons Supporting Proposal: To implement new policy supporting food stamp E&T families, minor parents and WorkFirst participants.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, 1009 South College, Olympia, 98504, Mailstop 45480, (360) 413-3247, fax 413-3482, e-mail horloit@dshs.wa.gov.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Makes support services available to food stamps E&T families and minor parents, and adds new support service limits and categories such as educational expenses, transitional work expense.

Proposal Changes the Following Existing Rules: Amends WAC 388-310-0800 to add new covered populations, new limits and new categories of support services.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small business.

RCW 34.05.328 does not apply to this rule adoption. This rule change does not meet the definition of a significant legislative rule (see RCW 34.05.328 (5)(b)(vii)).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on May 9, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by April 28, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45480, Olympia, WA 98504-5850, fax (360) 664-6185, by May 9, 2000.

Date of Intended Adoption: No sooner than May 10, 2000.

March 30, 2000  
Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-14-043, filed 6/30/99, effective 7/31/99)

**WAC 388-310-0800 WorkFirst—Support services.**

(1) ~~((Why do I receive))~~ **Who can get support services?**

~~((Support services help you participate in work and WorkFirst activities that lead to financial independence. You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)~~

~~(2) **What support services may I receive?**~~

~~You may receive support services, including but not limited to any of the following:~~

~~(a) Employment related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;~~

~~(b) Transportation costs such as mileage reimbursement, public transportation vouchers, and car repair;~~

~~(c) Professional services;~~

~~(d) Personal needs such as clothing appropriate for job search or other work activities;~~

~~(e) Special needs such as accommodations for employment;~~

~~(f) Identified specific needs due to location or employment if you are an American Indian;~~

~~(g) Job skills training, vocational education and/or basic education if:~~

~~(i) It is an approved activity in your individual responsibility plan; and~~

~~(ii) You do not qualify for sufficient student financial aid to meet the cost.~~

~~(3) **When will I get support services?**~~

~~The department or its agents will decide what support services you will receive, as follows:~~

~~(a) You need the support services to do the activities in your individual responsibility plan;~~

~~(b) It is within available funds; and~~

~~(c) It does not assist, promote, or deter religious activity.~~

~~(4) **How much support services can I get?**~~

~~The chart below shows the guidelines for the amount and type of support services you can get. There is a suggested limit of fifteen hundred dollars per person per calendar year for the amount of support services you can receive from the department and/or employment security.~~

Type of Support Service	Suggested Limit
Accommodation (reasonable)	\$1,000 per request
Books/supplies (school)	No limit
Car repair	\$500 per calendar year
Clothing—General	Participant—\$250 per request Each child—\$100 per request
Clothing/uniforms—Employment	Participant—\$200 per year
Clothing/uniforms—Training	No limit
Diapers	\$50 per child per month
Employer reimbursement	No limit
GED	No limit
Haircut	\$40 per request
License/fees	\$300 per each license or fee
Lunch	\$15 per event
Medical exams (not covered by Medicaid)	\$150 per exam
Mileage	\$0.315 per mile (not to exceed \$100 per week)

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Type of Support Service	Suggested Limit
Personal hygiene	\$50 per request (up to three times per calendar year)
Professional, trade, association, union and bonds	\$300 per each due or fee
Public transportation	\$150 per month
Relocation	\$1,000 per calendar year
Rent, housing, deposits	\$500 per calendar year
Short term lodging and meals	\$300 per request
Testing - Certification	\$100 each
Testing - Diagnostic	\$200 each
Tools (training)	No limit
Tools/equipment	\$300 per request
Tutoring	\$200 per month
Tuition and fees	No limit

**(5) What if I request more support services than the guidelines allow?**

If you request support services from your case manager, you can:

- (a) Ask to see a copy of these guidelines;
- (b) Ask for an exception, if you are requesting more than the guidelines allow or asking for services or goods not mentioned in the guidelines; and/or
- (c) Request a fair hearing, if your request for support services is denied.

**(6) What happens to my support services if I do not participate as required?**

The department will give you ten days notice, following the rules in WAC 388-418-0030, then discontinue your support services until you participate as required)) (a) WorkFirst participants;

- (b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;
- (c) Food stamp recipients who:
  - (i) Have dependent minors in their families; and
  - (ii) Are participating in food stamp employment and training program (WAC 388-444-0005) by:
    - (A) Participating in job search, or
    - (B) Working twenty or more hours a week.
  - (d) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Actively working with a social worker to remove the barriers that are preventing the minor from living in a department approved living arrangement and/or meeting the school requirements.

**(2) Why do I receive support services?**

(a) Support services help you participate in work and WorkFirst activities that lead to financial independence. You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(b) Support services help you to keep working, accept a job, and/or participate in job search.

**(3) What support services may I receive?**

You may receive support services, including but not limited to any of the following:

- (a) Employment related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;
- (b) Transportation costs such as mileage reimbursement, public transportation vouchers, and car repair;
- (c) Professional services;
- (d) Personal needs such as clothing appropriate for job search or other work activities;
- (e) Special needs such as accommodations for employment;
- (f) Identified specific needs due to location or employment if you are an American Indian;
- (g) Job skills training, vocational education and/or basic education if:

(i) It is an approved activity in your individual responsibility plan; and

(ii) You do not qualify for sufficient student financial aid to meet the cost.

(h) Transitional work expense of one thousand dollars if:

(i) You are in unsubsidized employment; and

(ii) You are in the assistance unit and receiving a TANF/SFA grant of one hundred dollars or less a month; and

(iii) You or anyone in your assistance unit is not in sanction status; and

(iv) You voluntarily stop receiving your TANF/SFA grant; and

(v) You are an adult and have never received a transitional work expense.

**(4) When will I get support services?**

The department or its agents will decide what support services you will receive, as follows:

(a) You need the support services to do the activities in your individual responsibility plan, do job search, accept employment or do paid work;

(b) It is within available funds;

(c) It does not assist, promote, or deter religious activity; and

(d) You are a pregnant or parenting minor who is income eligible to receive TANF and you need support services to remove barriers that prevent you from living in a department approved living arrangement and/or meet the school requirements.

**(5) How much support services can I get?**

The chart below shows the guidelines for the amount and type of support services you can get. There is a suggested limit of three thousand dollars per person per program year (July 1st to June 30th) for support services you can receive from the department and/or employment security.

Type of Support Service	Suggested Limit
Accommodation (reasonable)	\$1,000 per request
Car repair	\$750 per program year
Clothing-General	Participant-\$250 per request Each child-\$100 per request
Clothing/uniforms-Employment	Participant-\$200 per program year
Counseling	No limit
Diapers	\$50 per child per month
Educational expenses	\$300 per request

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Type of Support Service	Suggested Limit
Employer reimbursement	No limit
Haircut	\$40 per request
License/fees/liability insurance	\$600 per each license, fee or liability insurance request per program year
Lunch	Same rate as established by OFM for state employees
Medical exams (not covered by Medicaid)	\$150 per exam
Mileage	Same rate as established by OFM for state employees
Personal hygiene	\$50 per request (up to three times per program year)
Professional, trade, association, union and bonds	\$300 per each fee
Public transportation	\$150 per month
Relocation	\$1,000 per program year
Rent, housing, deposits	\$500 per program year
Short-term lodging and meals	Same rate as established by OFM for state employees
Testing-Diagnostic	\$200 each
Tools/equipment	\$500 per request

**(6) What if I request more support services than the guidelines allow?**

If you request support services from your case manager, you can:

- (a) Ask to see a copy of these guidelines;
- (b) Ask for an exception, if you are requesting more than the guidelines allow or asking for services or goods not mentioned in the guidelines; and/or
- (c) Request a fair hearing, if your request for support services is denied.

**(7) What happens to my support services if I do not participate as required?**

- (a) The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.
- (b) When a food stamp only client receives a food stamp sanction, they cannot receive support services during the sanction period and on-going support services are stopped.

**WSR 00-08-092  
PROPOSED RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed April 5, 2000, 8:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-085.

Title of Rule: Deferred compensation plan—Record-keeping changes and recodification.

Purpose: RCW 41.50.770 and 41.50.780 govern the deferred compensation plan. These rules are intended to improve the plan's record-keeping process and to recodify to ensure clarity.

Statutory Authority for Adoption: RCW 41.50.050.  
Statute Being Implemented: RCW 41.50.770 and 41.50.780.

Summary: Deferred compensation plan—Record-keeping changes and recodification.

Reasons Supporting Proposal: Clarify existing rules and bring them into conformity with new administrative practices involving record keeping.

Name of Agency Personnel Responsible for Drafting: Tim Valencia, 6835 Capitol Boulevard, Tumwater, WA, (360) 664-7117; Implementation and Enforcement: Anne Holdren, 6835 Capitol Boulevard, Tumwater, WA, (360) 664-7009.

Name of Proponent: Department of Retirement Systems, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules amend chapter 415-501 WAC et seq., the department's rules implementing the state's deferred compensation plan, RCW 41.50.770 and [41.50.]780 and chapter 41.50 RCW. The amendments are necessary to conform to the changes in the department's record-keeping processes.

In addition, deferred compensation rules have been recodified to promote clarity in keeping with Executive Order 97-02 per the proposed rule draft shown below.

Proposal Changes the Following Existing Rules: Program proposal amends the following rules:

WAC 415-501-010 updates references to RCW 41.50.088.

WAC 415-504-010 clarifies the definition of "accumulated deferrals."

WAC 415-504-090 clarifies the definition of "participant."

WAC 415-504-100 clarifies the definition of "participation agreement."

WAC 415-504-110 clarifies the definition of "separation from service."

WAC 415-508-010 clarifies that the department will administer the plan to maintain a plan eligible under Section 457 of the Internal Revenue Code.

WAC 415-508-050 clarifies that amounts in the deferred compensation principal account are invested pursuant to RCW 41.50.770.

WAC 415-512-010 changes the reference from "pay period" to "month," from "revoked" to "suspended" and to delete the \$30.00 minimum requirement for participation.

WAC 415-512-015 clarifies how a participant may transfer funds into or out of the state's deferred compensation plan.

WAC 415-512-020 conforms to the updated Internal Revenue Code Section 457 deferral limits.

WAC 415-512-030 changes references to "the state" to refer to "the employer."

WAC 415-512-050 describes how a participant may change deferral or investment options.

WAC 415-512-070 describes how a participant may suspend or reinstate deferrals.

**PROPOSED**

WAC 415-512-080 allows a participant to change a designated beneficiary by filing the appropriate form.

WAC 415-512-086 describes the process for distribution in the event of the participant's death.

WAC 415-512-087 provides more flexibility in the distribution process if the beneficiary dies.

WAC 415-512-090 describes when and how a participant or beneficiary may elect distributions, modify or postpone them.

WAC 415-512-095 clarifies the rights of nonparticipants to benefits under domestic relations orders and the department's process for compliance with such orders.

WAC 415-512-110 clarifies the process and duration of deferral distribution.

WAC 415-524-010 clarifies that requests for distributions due to unforeseeable emergency will automatically result in the mandatory suspension plan participation.

WAC 415-556-010 authorizes employers to withhold additional deferred compensation without a copy of a plan participation agreement.

WAC 415-564-010 clarifies that the terms of the plan prevail over any form or document used in administering the plan.

WAC 415-564-020 articulates the process by which a participant may obtain review of a department decision.

WAC 415-564-040 clarifies the scope of the department's responsibility for an individual participant's compliance with the Internal Revenue Code.

WAC 415-536-010, 415-540-010, 415-544-010, and 415-564-050 refer to "distribution" rather than "payment."

WAC 415-512-075, 415-512-085, 415-532-020, 415-552-010 conform to clear rule-writing standards as required by Executive Order 97-02.

Current	Proposed Recodification
415-501-010	415-501-010
415-501-020	415-501-020
415-504-010	415-501-110
415-504-020	415-501-120
415-504-030	415-501-130
415-504-040	415-501-140
415-504-050	415-501-150
415-504-060	415-501-160
415-504-070	415-501-170
415-504-080	415-501-180
415-504-090	415-501-190
415-504-100	415-501-200
415-504-110	415-501-210
415-508-010	415-501-310
<b>NEW SECTION</b>	415-501-315
415-508-020	415-501-300
415-508-030	415-501-350
415-508-040	415-501-330
415-508-050	415-501-340

Current	Proposed Recodification
415-512-010	415-501-410
415-512-015	415-501-415
415-512-020	415-501-420
415-512-030	415-501-430
415-512-040	415-501-440
415-512-050	415-501-450
415-512-070	415-501-470
415-512-075	415-501-475
415-512-080	415-501-480
415-512-085	415-501-485
415-512-086	415-501-486
415-512-087	415-501-487
415-512-090	415-501-490
415-512-095	415-501-495
415-512-110	415-501-500
415-524-010	415-501-510
415-528-010	415-501-520
415-532-010	415-501-530
415-532-020	415-501-540
415-536-010	415-501-550
415-540-010	415-501-560
415-544-010	415-501-570
415-548-010	415-501-580
415-552-010	415-501-590
415-556-010	415-501-600
415-560-010	415-501-610
415-564-010	415-501-360
415-564-020	415-501-370
415-564-030	415-501-305
415-564-040	415-501-320
415-564-050	415-501-380
415-564-060	415-501-390
415-568-010	415-501-710
415-568-020	415-501-720

The following rules have been amended to conform cross references to the recodified rules: WAC 415-501-020, 415-512-040, 415-532-010, 415-532-020, and 415-556-010.

WAC 415-501-315 has been drafted to clarify the employer's responsibility as a plan sponsor.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the deferred compensation plan administered by the Department of Retirement Systems (DRS). No private business is affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. DRS is not one of the agencies that

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RCW 34.05.328 applies to. DRS does not opt to voluntarily bring itself within the coverage of that statute.

Hearing Location: Department of Retirement Systems, Boardroom, 3rd Floor, 6835 Capitol Boulevard, Tumwater, WA, on May 12, 2000, at 9:00 - 11:00 a.m.

Assistance for Persons with Disabilities: Contact Amy Martin by May 11, 2000, 5:00 p.m., TDD (360) 586-5450.

Submit Written Comments to: Tim Valencia, Anne Holdren, Department of Retirement Systems, P.O. Box 48330, Olympia, WA 98504-8380.

Date of Intended Adoption: May 12, 2000.

April 5, 2000  
Elyette Weinstein  
Rules Coordinator

**PLAN ESTABLISHED**

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-501-010 Plan established.** In accordance with the provisions of RCW 41.50.030(2), 41.50.088(~~(5)~~)(2), 41.50.770, and 41.50.780, and as provided in Section 457 of the Internal Revenue Code, the state of Washington hereby establishes the deferred compensation plan for employees of the state of Washington and approved political subdivisions of the state of Washington, hereinafter referred to as the "plan." Nothing contained in this plan shall be deemed to constitute an employment agreement between the participant and the employer and nothing contained herein shall be deemed to give a participant any right to be retained in the employment of the employer.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-501-020 Separate plan.** The provisions in chapter(s) 415-501 (~~through 415-568~~) WAC apply only to the deferred compensation plan and not to any other plan administered by the department.

NEW SECTION

**WAC 415-501-315 Employer responsibility.** The employer as plan sponsor has responsibilities including, but not limited to, monitoring for deferral limits and determining employees' eligibility to participate.

The department's administration of the plan does not replace the employer's responsibilities as the plan sponsor.

**DEFINITIONS**

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-504-010 Accumulated deferrals.** "Accumulated deferrals" means compensation deferred under the plan, adjusted (~~(until date of payment)~~) by income received, increases or decreases in investment value, fees, and any prior distributions made.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-504-090 Participant.** "Participant" means any eligible employee of (~~the~~) an employer who executes a participation agreement with the department assenting to the provisions of this plan, once the agreement has been approved by the department or its designee.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-504-100 Participation agreement.** "Participation agreement" means the agreement executed (~~(and filed)~~) by an eligible employee (~~(with the employer)~~) pursuant to WAC (~~(415-512-010)~~) 415-501-410, in which the eligible employee elects to become a participant in the plan.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-504-110 Separation from service.** "Separation (or separates) from service" means "separation from service" as that term is interpreted for purposes of Section 402 (d)(4)(A)(iii) of the Internal Revenue Code (~~(and refers to lump sum payments and the severance of the participant's employment with the employer. A participant will be deemed to have severed his or her employment as of the date of his or her last payroll)~~).

For distribution eligibility purposes, separation of service is a participant's last day of employment with his/her employer(s).

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
415-504-010	415-501-110
415-504-020	415-501-120
415-504-030	415-501-130
415-504-040	415-501-140
415-504-050	415-501-150
415-504-060	415-501-160
415-504-070	415-501-170
415-504-080	415-501-180
415-504-090	415-501-190
415-504-100	415-501-200
415-504-110	415-501-210

**ADMINISTRATION**

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-508-010 Administered by department.** (~~(This plan shall be administered by the department which~~

PROPOSED

~~shall represent the employer in all matters concerning the administration of this plan:))~~ The department shall administer the plan in accordance with Section 457 of the Internal Revenue Code to maintain an eligible deferred compensation plan.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-508-050 Deferred compensation accounts.** All deferred compensation hereunder shall be paid into a special fund created in the treasury of the state of Washington called the "deferred compensation principal account." All costs of administration and staffing of the plan, expenses of the department, and such other amounts determined by the department and permitted by law, shall be paid as necessary out of the deferred compensation administrative account. Amounts in the deferred compensation principal account may be invested pursuant to RCW 41.50.770 ~~((as directed by the department))~~. All accumulated deferrals payable to participants or their respective beneficiary or beneficiaries shall be paid from the deferred compensation principal account unless otherwise paid.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
415-508-010	415-501-310
415-508-020	415-501-300
415-508-030	415-501-350
415-508-040	415-501-330
415-508-050	415-501-340

**PARTICIPATION IN THE PLAN**

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-512-010 Enrollment.** (1) An eligible employee may become a participant by executing a participation agreement. Compensation will be deferred for any calendar month only if a participation agreement providing for such deferral is executed by the participant and approved by the department or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each ~~((pay period))~~ month. The amount specified ~~((must equal at least thirty dollars per month and))~~ shall continue until changed or ~~((revoked))~~ suspended pursuant to WAC ~~((415-512-050))~~ 415-501-450 or ~~((415-512-070))~~ 415-501-470 of this plan.

AMENDATORY SECTION (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-015 Plan to plan transfers.** The only transfers allowable under Section 457 of the Internal Revenue Code are from one eligible Section 457 plan to another eligible Section 457 plan.

(1) Transfers ~~((to))~~ into the plan following a change in employment. If a participant was formerly a participant in an eligible deferred compensation plan (within the meaning of Section 457 of the Internal Revenue Code and its regulations), which permits the direct transfer of the participant's interest to another plan, then ~~((the transferee))~~ this plan shall accept assets representing the value of such interest. However, the department may require in its sole discretion that some or all of such interest be transferred in cash or its equivalent. Such amount shall be held, accounted for, administered, and otherwise treated in the same manner as compensation deferred by the participant under ~~((the))~~ this plan ~~((except that:~~

~~(a) Only the amount, if any, transferred to the plan which was deferred under the transferor plan in the taxable year when transfer occurs shall be treated as compensation deferred under the plan in such year.~~

~~(b) Such amount shall remain subject to, and shall be administered in accordance with, any irrevocable elections made under the transferor plan with respect to such amount)),~~ Only the amount, if any, transferred to the plan which was deferred under the transferor plan in the taxable year when transfer occurs shall be treated as compensation deferred under the plan in such year.

Transfer of the participant's interest will not be allowed if the participant has made any irrevocable distribution election, with respect to such interest, under the transferor plan.

(2) Transfers ~~((from))~~ out of the plan following a change in employment. ~~((The only rollovers or transfers allowable under Section 457 of the Internal Revenue Code are from one eligible Section 457 plan to another eligible Section 457 plan.))~~

If a participant, prior to making ~~((a final))~~ an irrevocable distribution election under WAC ~~((415-512-090(2) regarding the method of payment))~~ 415-501-409, accepts employment with an employer who offers an eligible Section 457 plan, and the participant becomes a participant in that plan, then accumulated deferrals may, at the election of the participant and after written notice to the department, be transferred to the other plan, provided that plan provides for the acceptance of such transfers.

(3) Transfers by employees of participating political subdivisions. Transfers of funds by an employee of a participating political subdivision are allowed to and from other ~~((IRC))~~ Section 457 plans of the Internal Revenue Code maintained by the political subdivision, but only if the other plan also allows ~~((transfers to and from its plan))~~ the proposed transfer and the participant has not made an irrevocable ~~((payout))~~ distribution election relating to either plan.

(4) Application for transfer. If the conditions in subsection (1), (2), or (3) of this section are met and the participant wishes to transfer his/her account, ~~((he/she))~~ the participant

PROPOSED

shall complete ~~((an application))~~ the appropriate form and/or other documents as may be required by the department.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-020 Deferral limit.** (1) Except as provided in WAC ~~((415-512-030))~~ 415-501-430, relating to catch-up, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of ~~((seven thousand five hundred))~~ eight thousand dollars, adjusted for the calendar year to reflect cost-of-living increases in accordance with Sections 457 (e)(15) and 415(d) of the Internal Revenue Code (dollar deferral limit) or thirty-three and one-third percent of the participant's includible compensation, each reduced:

(a) By any amount excludable from the participant's gross income for that taxable year under Section 403(b) of the Internal Revenue Code; and

(b) By any amount:

(i) Excluded from gross income under Section 402 (e)(3) or 402 (h)(1)(B) of the Internal Revenue Code (relating to a participant's elective deferrals to simplified employee pensions) for that taxable year;

(ii) For which a deduction is allowable for that taxable year by reason of a contribution to an organization described in Section 501 (c)(18) of the Internal Revenue Code (relating to pension trusts created before June 25, 1959, forming part of a plan for payment of benefits under a pension plan funded only by contributions of employees); or

(iii) Which is deferred by a participant under Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangement) during that taxable year; and

(c) By any amount the participant contributes to any other Section 457 of the Internal Revenue Code plan (relating to deferred compensation plan(s)) during the taxable year.

(2) "Includible compensation" for purposes of this section means includible compensation as defined in Section 457 (e)(5) of the Internal Revenue Code and as further defined by Treasury Department Regulation 1.457-2 (e)(2) interpreting that section, and is determined without regard to community property laws. Includible compensation for a taxable year includes only compensation from the employer that is attributable to services performed for the employer and that is includible in the participant's gross income for the taxable year for federal income tax purposes. Accordingly, a participant's includible compensation for a taxable year does not include an amount payable by the employer that is excludable from the employee's gross income under:

(a) Section 457 of the Internal Revenue Code;

(b) Section 403(b) of the Internal Revenue Code (relating to annuity contracts purchased by Section 501 (c)(3) of the Internal Revenue Code organizations or public schools);

(c) Section 105(d) of the Internal Revenue Code (relating to wage continuation plans);

(d) Section 911 of the Internal Revenue Code (relating to citizens or residents of the United States living abroad);

(e) Section 402 (e)(3) or 402 (h)(1)(B) or 402(k) of the Internal Revenue Code (relating to simplified employee pensions);

(f) Section 501 (c)(18) of the Internal Revenue Code (relating to certain pension trusts); or

(g) Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangements).

(3) In computing includible compensation, total gross compensation as shown on ~~((state))~~ earnings statements must be reduced by:

(a) Section 414(h) of the Internal Revenue Code, before tax contributions to retirement plans (including those described in RCW 41.04.440, 41.04.445, and 41.04.450); and

(b) Any Section 125 of the Internal Revenue Code contributions to cafeteria plans (including those which include such items as dependent care salary reduction plans) before excluding the items listed in subsection (2)(a) through (g) of this section.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-030 Catch-up provision.** For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of:

(1) Fifteen thousand dollars for the taxable year, reduced in the same manner as the dollar deferral limit is reduced in WAC ~~((415-512-020(1)))~~ 415-501-420; or

(2) The sum of:

(a) The limits established for purposes of WAC ~~((415-512-020))~~ 415-501-420 of the plan for the taxable year (determined without regard to this section), plus

(b) So much of the limit established under WAC ~~((415-512-020))~~ 415-501-420 for taxable years before the taxable year as has not theretofore been used under WAC ~~((415-512-020))~~ 415-501-420 or ~~((415-512-030))~~ 415-501-430. A prior taxable year shall be taken into account only if:

(i) It begins after December 31, 1978;

(ii) The participant was eligible to participate in the plan during all or any portion of the taxable year, and;

(iii) Compensation deferred (if any) under the plan during the taxable year was subject to a maximum limit (as established under WAC ~~((415-512-020))~~ 415-501-420).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

"Normal retirement age," as used in chapter ~~((s))~~ 415-501 ~~((through 415-568))~~ WAC, means the range of ages:

Ending not later than age seventy and one-half; and

Beginning not earlier than the earliest age at which the participant has the right to retire under ~~((a state))~~ an employer authorized pension for which the participant is eligible ~~((without consent of the state))~~ and under which the participant will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in ~~((a state))~~ an employer authorized pension plan.

This catch-up provision may not be used in the year in which the participant attains age seventy and one-half, and may not be used in any year thereafter.

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-512-040 Department may disallow deferral.** The participant acknowledges the right of the department to disallow deferral of compensation under the plan in excess of the limitations in WAC ((415-512-020)) 415-501-420 and ((415-512-030)) 415-501-430. However, the department shall have no duty to assure that amounts deferred are in compliance with such limitations.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-050 Modification of deferral or investment option(s).** Deferral or investment option(s) may be changed. A participant may change his/her deferral or investment option(s) ((by executing a participation agreement)) through the methods established by the department. ((Changes in the amount of deferral must equal at least ten dollars or more per month. (Beneficiaries)) (A beneficiary or beneficiaries entitled to receive accumulated deferrals may also change investment options.) Deferral changes may be made only in:

- (1) Whole dollar increments or;
- (2) Whole percentages if percentage deferrals are allowed for the participant's employer.

A change in the deferral amount shall be effective for any calendar month only if the participant ((signs a new participation agreement prior to the earning period for which the change is requested. All participation agreements indicating changes in investment option(s) and transfer request forms indicating a transfer from one investment option to another must be filed with the department no later than twelve days prior to the established pay date for which the change will occur.

During the payout process, the department may periodically liquidate mutual fund shares in amounts necessary to meet distribution requirements for a six month period)) notifies the department or its designee of the change through the methods available, prior to the month for which the change is requested and prior to the established payroll cutoff date, for the participant's employer, for which the change will occur.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-070 Suspension and reinstatement of deferrals. Suspension.** A participant may at any time, through the methods established by the department, direct that his/her deferrals ((under the participant's participation agreement cease by completing the proper form and filing it with the department)) cease. The direction to cease deferrals must be provided to the department or its designee no later than the last day of the ((payroll period)) month prior to the ((payroll period)) month during which the deferrals are to cease; however, accumulated deferrals shall ((only)) be paid only as provided in WAC ((415-512-080)) 415-501-480 through ((415-512-110)) 415-501-500.

**Reinstatement.** A participant may reinstate deferrals at any time, except after having ceased deferrals as part of an unforeseeable emergency distribution request. A participant who has directed the cessation of deferrals as part of an unforeseeable emergency ((payment)) distribution request ((may resume deferrals by executing a new participation agreement to defer compensation. The deferrals)) cannot resume deferrals sooner than six months after his/her deferrals ceased. Deferrals will begin the month immediately following the month that the ((participation agreement is signed. The six month waiting period shall not apply to participants who are on leave without pay as discussed in WAC 415-528-010)) resumption of deferrals is requested.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-075 Investment options.** Each participant shall designate on his/her participation agreement the investment option(s) in which ((he/she)) the participant wishes to have funds invested. The investment option(s) shall be selected from those options made available for this purpose from time to time by the state investment board after consultation with the employee retirement benefits board.

The state investment board may make available as options for investment:

- (1) A fixed rate investment or pool of investments including deposits with a credit union, savings and loan association, mutual savings bank and fixed annuities;
- (2) Specified mutual fund shares, shares of an investment company, or variable annuities; or
- (3) Fixed or variable life insurance, or other options permitted by law. In the event that a selected investment option experiences a loss, the participant's benefits payable hereunder shall likewise reflect a loss, rather than income, for the period.

Nothing in this section shall require the state investment board to invest any amount in the investments selected. The state investment board may open, change or close investment options according to its investment policy.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-080 Designation of beneficiaries.** Each participant shall have the right to designate a beneficiary or beneficiaries to receive accumulated deferrals in the event of the participant's death. If no such designation is in effect on a participant's death, the beneficiary shall be the surviving spouse. If there be no such surviving spouse, then the beneficiary shall be the participant's estate. A participant may change his/her beneficiary designation at any time by filing ((a change of beneficiary)) the appropriate form with the department. ((A participant may also change his/her beneficiary designation by completing the beneficiary designation portion of a participation agreement form.))

The participant may name:

- (1) A designated organization or person (including without limitation his/her unborn or later adopted children). If unborn or later adopted children are to be included, the desig-

nation must so indicate. The date of birth must be furnished for any living person who is named as a beneficiary.

(2) His or her estate.

(3) A trust which is in existence, or which is to be established under the participant's last will. For an existing trust, the participant must provide a copy of the trust document and the name, address, and telephone number of the current trustee, and the tax identification number.

The participant may name contingent beneficiaries in addition to primary beneficiaries.

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-512-085 Distribution to participant after separation from service.** After separation from service, ~~((accumulated deferrals))~~ the participant shall be paid ~~((to the participant))~~ his/her accumulated deferrals in one or more installments as elected by the participant pursuant to WAC ~~((415-512-090))~~ 415-501-490.

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-512-086 Distribution in the event of death of participant.** Should the participant die at any time, whether before or after separation from service, accumulated deferrals shall be paid to the beneficiary or beneficiaries designated by the participant pursuant to WAC ~~((415-512-080))~~ 415-501-480. The accumulated deferrals shall be paid out as provided in WAC ~~((415-512-080))~~ 415-501-480 through ~~((415-512-110))~~ 415-501-500. If no beneficiary is designated ~~((as provided in the participation agreement))~~, or if the designated beneficiary does not survive the participant by a period of thirty days, then a lump sum or series of ~~((payments))~~ distributions shall be paid, in accordance with WAC ~~((415-512-080))~~ 415-501-480 through ~~((415-512-110))~~ 415-501-500, to the surviving spouse, or if none, a lump sum shall be paid to the estate of the participant.

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-512-087 Distribution in event of death of beneficiary.** In the event a beneficiary survives the participant by thirty days and becomes entitled to receive accumulated deferrals, accumulated deferrals shall become payable to the beneficiary's estate ~~((on the twenty-fifth day of))~~ in the second month following the beneficiary's death, unless benefits are being paid in the form of an annuity, in which case the disposition of the remaining amount shall be determined by the annuity contract. Such annuity contracts shall be issued pursuant to the rules set forth in WAC ~~((415-512-110))~~ 415-501-500.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-090 Elections regarding distribution.** Each participant (or in the event of death, each beneficiary

other than an organization, an estate, or a trust) shall elect when ~~((his/her payout))~~ distribution will begin and the ~~((pay-out period:~~

~~(1) Election preconditions and irrevocability. Except as otherwise provided in WAC 415-512-110(8) the election regarding the date when payment will begin shall be made when a participant separates from service (or dies having separated from service and having previously elected when payment will begin).~~

~~Once made, the election regarding when payout will begin is irrevocable except as described in subsection (2) of this section as to the participant or beneficiary making the election, unless:~~

~~(a) The participant or beneficiary, more than thirty days prior to the elected date payment is to begin, elects to postpone the original date. Only one such postponement is allowed; or~~

~~(b) The participant, after separating from service is again hired by the employer and, before the originally elected date payment is to begin, reenrolls in the plan.~~

~~(2) If a participant has elected, under subsection (1)(a) of this section, to defer the commencement of distributions beyond the first permissible payout date, then the participant may make an additional election to further defer the commencement of distributions, provided that the election is filed before distributions actually begin and the later commencement date meets the required distribution commencement date provisions of Sections 401 (a)(9) and 457 (d)(2) of the Internal Revenue Code. A participant may not make more than one such additional deferral election after the first permissible payout date.~~

~~For purposes of the preceding paragraph, the "first permissible payout date" is the earliest date on which the plan permits payments to begin after separation from service, disregarding payments to a participant who has an unforeseeable emergency or attains age seventy and one-half, or under the in-service distribution provisions of the plan.~~

~~(3) Timing of election.~~

~~(a) A participant who separates from service other than by reason of death, must make an election no later than sixty days after separation from service. Payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the department on forms provided for that purpose, and payment must begin within the time prescribed by WAC 415-512-110;~~

~~(b) A beneficiary, other than an organization, estate or trust, where the participant was not already receiving payments, must make an election no later than sixty days after the participant's death. Payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the department on forms provided for that purpose, and payment must begin within the time prescribed by WAC 415-512-110. The plan will not distribute to a minor beneficiary if it does not receive proof that the minor has either:~~

~~(i) A court-appointed guardian; or~~

~~(ii) A custodian whom the participant during his or her lifetime designated in a beneficiary designation, will, trust or other instrument exercising a power of appointment, followed in substance by the words: "As custodian for . . . . ."~~

PROPOSED

(name of minor) under the Washington Uniform Transfers to Minors Act."

Where a legal guardianship is not obtained, and where the participant has not previously named a custodian under the Washington Uniform Transfers to Minors Act as described above, or if such custodian has been named but dies or is unable or unwilling to serve, the plan may, following the expiration of one hundred eighty days after the participant's death, request a court of competent jurisdiction to establish a custodianship under the Washington Uniform Transfers to Minors Act, chapter 11.114 RCW, irrespective of the amount at issue.

Once a custodianship has been established either by the participant's prior designation or by court order, the plan will transfer the funds in the deceased participant's account to the named custodian.

A transfer may be made only for one minor, and only one person may be the custodian, as set forth in the Washington Uniform Transfers to Minors Act. Written confirmation of delivery by the custodian constitutes a sufficient receipt and discharge of the plan for the deceased participant's account balance transferred to the custodian.

The custodian will have sixty days after the date of transfer to make an election regarding the payout period and when the payout will begin under this section.

(4) Election regarding method of payment. The participant (or beneficiary) who makes an election regarding the date payment will begin, may also elect the period over which payments will be made. The payout period election may be made either at the time he/she elects a beginning date for payout or at any time not later than sixty days prior to the date payout is to begin. Once having made this election, the participant (or beneficiary, other than an organization, estate, or trust) may change the payout period election not later than thirty days prior to the date payout is to begin. Such a beneficiary may also make this election where the participant was already receiving payments but, as provided in WAC 415-512-110(3)(a), must receive distribution at least as rapidly as it was being distributed to the participant. Such a beneficiary must make the payout period election not later than sixty days after the death of the participant and payout will be suspended following the participant's death until the beneficiary either makes a payout period election or begins receiving payment as provided in subsection (6) of this section. Provided, if the participant was receiving payout in the form of an annuity contract, then the successor's right shall be limited by the terms of that contract.

(5) How elections are made. A participant or beneficiary makes elections allowed under this section by completing and filing applicable payment request forms with the department. Only a court appointed guardian may elect between a monthly and a lump sum benefit on behalf of the minor.

(6) Consequences in absence of a timely election regarding time of payment. Absent a timely election regarding when payout is to begin, payout will begin on the central payroll date nearest the twenty fifth day of the month following the month in which the election period ends, and will be made, in a lump sum if the accumulated deferrals as of the end of the election period are less than twenty five thousand dollars or, if the accumulated deferrals are twenty five thou-

sand dollars or more, in monthly installments over a period of one hundred twenty months or such lesser period:

(a) As may be necessary under the minimum payout requirements of Section 457 (d)(2)(B)(i)(I) of the Internal Revenue Code, requiring amounts to be paid not later than as determined under Section 401 (a)(9)(G) of the Internal Revenue Code; or

(b) As may be necessary under Section 457 (d)(2)(B)(i)(II) of the Internal Revenue Code, requiring amounts not distributed to the participant during his/her life to be distributed at least as rapidly as they were being distributed as of the participant's death.

(7) Effects of certain employment changes. Transfers from the plan are allowed in the circumstances described in WAC 415-512-015(2).

(8) Consequences in absence of a timely election regarding method of payment. In the absence of a timely election regarding the period of time over which payment will be made, payment will be made in the manner described in subsection (6) of this section.

(9) Payment to an organization, estate, or trust. Any amount payable to an organization, estate, or trust shall be paid in a lump sum as prescribed in WAC 415-512-110(3)) distribution method.

(1) Election regarding distribution date. For the purposes of this section, distribution date is the date on which distribution is to begin, disregarding payments to a participant who has an unforeseeable emergency or attains age seventy and one-half, or under the in-service distribution provisions of the plan.

(a) Distribution date election preconditions. Except as otherwise provided in WAC 415-501-500, the election regarding the distribution date shall be made by the participant when the participant separates from service, or by the beneficiary, when the participant dies having separated from service and having previously elected a distribution date.

(b) Distribution date election irrevocability. Once made, the election regarding distribution date is irrevocable, unless:

(i) The participant or beneficiary as provided in (a) of this subsection, more than thirty days prior to the elected date distribution is to begin, elects to postpone the original date. Only one such postponement is allowed.

Such a participant or beneficiary may elect to postpone his/her original distribution date only if the election to postpone is filed thirty days before the date distribution actually begins and the later distribution date meets the requirements of Sections 401 (a)(9) and 457 (d)(2) of the Internal Revenue Code; or

(ii) The participant, after separating from service is again hired by an employer and, thirty days before the originally elected date distribution is to begin, reenrolls in the plan.

(c) Timing of distribution date election.

(i) A participant who separates from service other than by reason of death must make a distribution date election no later than sixty days after notification of the participant's separation from service has been received by the department from the participant's employer(s). Distribution must begin within the time prescribed by WAC 415-501-500;

(ii) A beneficiary, other than an organization, estate or trust, where the participant was not already receiving distributions, must make a distribution date election no later than sixty days after notification of the participant's death. Distribution must begin within the time prescribed by WAC 415-501-500. The plan will not distribute to a minor beneficiary if the department does not receive proof that the minor has either:

(A) A court-appointed guardian; or

(B) A custodian whom the participant during his or her lifetime designated in a beneficiary designation, will, trust or other instrument exercising a power of appointment, followed in substance by the words: "As custodian for . . . . . (name of minor) under the Washington Uniform Transfers to Minors Act."

Where a legal guardianship is not obtained, and where the participant has not previously named a custodian under the Washington Uniform Transfers to Minors Act as described above, or if such custodian has been named but dies or is unable or unwilling to serve, the plan may, following the expiration of one hundred eighty days after the participant's death, request a court of competent jurisdiction to establish a custodianship under the Washington Uniform Transfers to Minors Act, chapter 11.114 RCW, irrespective of the amount at issue.

Once a custodianship has been established either by the participant's prior designation or by court order, the plan will transfer the funds in the deceased participant's account to the named custodian.

A transfer may be made for only one minor, and only one person may be the custodian, as set forth in the Washington Uniform Transfers to Minors Act. Written confirmation of delivery by the custodian constitutes a sufficient receipt and discharge of the plan for the deceased participant's account balance transferred to the custodian.

The custodian will have sixty days after the date of transfer to make an election regarding the distribution period and when the distribution will begin under this section.

(2) Election regarding distribution method. For the purposes of this section, distribution method is the period over which accumulated deferrals will be distributed or the amount of accumulated deferrals to be distributed.

(a) Distribution method election preconditions. The participant (or beneficiary) who makes a distribution date election may also elect the distribution method. The distribution method election may be made either at the time the participant or beneficiary elects a distribution date or at any time not later than thirty days prior to the distribution date.

(b) Distribution method election irrevocability. Once having made the distribution method election, the participant or beneficiary (other than an organization, estate, or trust) may change the distribution method election not later than thirty days prior to the distribution date. The election of a distribution method becomes irrevocable thirty days prior to the date that the participant's distribution is to begin.

A beneficiary may make the distribution method election where the participant was already receiving distributions but, as provided in subsection (1)(c) of this section, the beneficiary must receive distribution at least as rapidly as it was

being distributed to the participant. Such a beneficiary must make the distribution method election not later than sixty days after the notification of death of the participant. Distribution will be suspended following the participant's death until the beneficiary either makes a distribution method election or begins receiving distribution as provided in subsection (4) of this section. Provided, if the participant was receiving distribution in the form of an annuity contract, then the beneficiary's right shall be limited by the terms of that contract. The election of a distribution method becomes irrevocable thirty days prior to the date that the beneficiary's distribution is to begin.

(3) How elections are made. A participant or beneficiary makes elections allowed under this section by completing and filing the appropriate forms with the department. Only a court-appointed guardian may elect between installments and a lump sum benefit on behalf of a minor.

(4) Consequences in absence of a timely election regarding distribution date. Absent a timely election regarding when distribution is to begin:

(a) If the accumulated deferrals as of the end of the election period are less than twenty-five thousand dollars, the distribution will be made in a lump sum within thirty days of when the election period ended.

(b) If the accumulated deferrals are twenty-five thousand dollars or more, the distribution to a participant will be made in monthly installments over a period of one hundred twenty months or such lesser period:

(i) As may be necessary under the minimum distribution requirements of Section 457 (d)(2)(B)(i)(I) of the Internal Revenue Code, requiring amounts to be paid not later than as determined under Section 401 (a)(9)(G) of the Internal Revenue Code; or

(ii) As may be necessary under Section 457 (d)(2)(B)(i)(II) of the Internal Revenue Code, requiring amounts not distributed to the participant during his/her life to be distributed at least as rapidly as they were being distributed as of the participant's death.

(5) Consequences in absence of a timely election regarding distribution method. In the absence of a timely election distribution method, distribution will be made in the manner described in subsection (4) of this section.

(6) Effects of certain employment changes. Transfers from the plan are allowed in the circumstances described in WAC 415-501-415.

(7) Distribution to an organization, estate, or trust. Any amount payable to an organization, estate, or trust shall be paid in a lump sum as prescribed in WAC 415-501-500.

(8) Distribution date and method cannot change after distribution begins. Once distribution to the participant or beneficiary begins, the elections made under this section as to the distribution date or distribution method, may not be changed.

AMENDATORY SECTION (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

WAC 415-512-095 Domestic relations orders. ((+) Domestic relation orders, which establish a right of the non-

participant to a portion of a participant's account after the participant separates from service, will be honored at the discretion of the department:

(a) Only if the plan participant is eligible for, or is in actual payout status; and

(b) Based upon the capabilities of the deferred compensation program recordkeeping system:

(2) The plan will honor domestic relation orders by either:

(a) Recognizing that there is a lien against the plan's assets (provided the order establishes a fixed or determinable future amount to be paid); or

(b) Establishing a separate account for the nonparticipant spouse.) Domestic relation orders establish a right of the (ex) spouse to a portion of a participant's account after the participant separates from service.

(1) Order requirements. The department may, at its discretion, honor a court ordered or court approved decree of dissolution, decree of legal separation, or property settlement agreement incident to a court decree of dissolution or legal separation. In order for the department to honor the court ordered or court approved document, it must:

(a) Direct disbursement to (ex) spouse as a specified portion of the proceeds expressed as a current dollar amount or as a percentage of the value of the participant's deferred compensation account as of a specific date; and

(b) Require the participant to begin receiving distribution of proceeds from the plan not later than the April 1st immediately following the close of the year in which the participant separates from service; and

(c) Specify whether or not the participant, if he/she goes to work for another employer who offers an eligible Section 457 plan, shall have the right to transfer funds to the employer's Section 457 plan; and

(d) Be from a court of competent jurisdiction, be certified, and be personally served upon the department in a manner provided by the civil rules of superior court or applicable statute; and

(e) Provide a limitation, expressed as a cumulative dollar amount, above which the participant may not request and receive hardship withdrawals.

(2) A separate account for the (ex) spouse will be established for an order that is in compliance with subsection (1) of this section and honored by the department. Such an account will be established with the amount specified in subsection (1)(a) of this section.

(3) Distribution. If a participant has separated from service and makes an irrevocable distribution date election, distribution to the (ex) spouse will be made when distribution begins to the participant. The (ex) spouse may choose the method of distribution as provided in WAC 415-501-500.

(4) The department cannot honor an order directing immediate distribution into court, or to the spouse of an employee-participant.

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-512-110 Distribution of deferrals.** (1) General rule. ~~(Assuming a timely)~~ Once a timely distribution

date election ~~((is allowed and))~~ has been made pursuant to WAC ~~((415-512-090))~~ 415-501-490, ~~((payment))~~ distribution(s) will be made in at least annual, substantially nonincreasing amounts. ~~((Payments))~~ Distributions are also subject to the limitations in subsections (2) through (8) of this section.

(2) Distribution to participant. A participant must either:

(a) Receive his/her entire ~~((interest))~~ value of accumulated deferrals prior to the later of:

(i) The April 1st immediately following the close of the calendar year in which the participant attains age seventy and one-half; or

(ii) The April 1st immediately following the close of the calendar year in which the participant separates from service with the employer; or

(b) Begin receiving the value of his/her ~~((interest))~~ accumulated deferrals not later than the time specified in (a) of this subsection and receive it over a period not longer than one of the following:

(i) The life of the participant;

(ii) The life of the participant and a beneficiary designated by the participant;

(iii) The life expectancy of the participant; or

(iv) The life expectancy of the participant and ~~((a designated beneficiary))~~ the life expectancy of the participant's spouse.

~~((Payment))~~ Distribution must be sufficiently rapid to satisfy the requirements of Section 457 (d)(2)(B)(i)(I) and Section 401 (a)(9)(G) of the Internal Revenue Code.

Once ~~((payments))~~ distributions to a participant begin, ~~((the participant may accelerate the payment schedule only))~~ distribution may not be changed except in the event of an unforeseeable emergency (and subject to the provisions of WAC ~~((415-524-040))~~ 415-501-510 regarding such emergencies).

(3) Distribution to beneficiaries.

(a) When distribution begins prior to the participant's death, then ~~((payout))~~ distribution must be made at least as rapidly as it was being made to the participant. When the beneficiary is an organization, estate or trust, then ~~((payment))~~ distribution will be payable in a lump sum ~~((on))~~ in the ~~((twenty-fifth day of the))~~ second month following the participant's death.

(b) When distribution does not begin prior to the participant's death, and is to be made:

(i) To an organization, estate or trust, then ~~((payment))~~ distribution will be payable in a lump sum ~~((on))~~ in the ~~((twenty-fifth day of the))~~ second month following the participant's death;

(ii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, not to begin within one year of the participant's death, then ~~((payment))~~ distribution must be made ~~((within))~~ over a period ending no later than five years ~~((of))~~ after the participant's death. The plan will not distribute to a minor beneficiary if ~~((it))~~ the department does not receive proof that the minor has either:

(A) A court-appointed guardian; or

(B) A custodian whom the participant during his or her lifetime designated in a beneficiary designation, will, trust or

other instrument exercising a power of appointment, followed in substance by the words: "As custodian for . . . . . (name of minor) under the Washington Uniform Transfers to Minors Act." See WAC ((415-512-090(3)(b))) 415-501-490;

(iii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, beginning within one year of the participant's death, then ((payment)) distribution must be made ((within)) over a period ending no later than fifteen years ((of)) after the participant's death. The plan will not distribute to a minor beneficiary if it does not receive proof that the minor has either:

- (A) A court-appointed guardian; or
- (B) A custodian whom the participant during his or her lifetime designated in a beneficiary designation, will, trust or other instrument exercising a power of appointment, followed in substance by the words: "As custodian for . . . . . (name of minor) under the Washington Uniform Transfers to Minors Act." See WAC ((415-512-090(3)(b))) 415-501-490;

(iv) To the participant's surviving spouse, whether as designated beneficiary, or by default, then ((payment)) distribution must begin prior to the April 1st immediately following ((the latter of)) the close of the plan year in which the participant would have attained age seventy and one-half or, if later, the year in which the participant separated from service. ((Payment)) Distribution may be made over the lifetime of the surviving spouse or over a period not longer than the life expectancy of the surviving spouse.

(4) For purposes of this section, life expectancies will be computed by use of the expected return multiples in Treasury Department Regulation 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company.

(5) Except as provided in subsection (6) of this section, periodic ((payments)) distributions made by the department must be at least fifty dollars per month if paid monthly, and six hundred dollars per year, if paid annually.

(6) An annuity may be purchased from an insurance company that has a contract with the department or its designee. The minimum amount to purchase a monthly annuity is one hundred thousand dollars. The minimum amount for an annuity paid quarterly is twenty-five thousand dollars.

(7) Notwithstanding anything in this plan to the contrary, distributions from the plan will be made in compliance with the minimum distribution rules of Section 457 (d)(2) of the Internal Revenue Code, and in compliance with Treasury Department Regulations issued under Sections 401 (a)(9) and 457 (d)(2) of the Internal Revenue Code.

(8) Voluntary in-service distribution: A participant who is an active employee of an eligible employer shall receive a distribution of the total amount payable to the participant under the plan if the following requirements are met:

- (a) The total amount payable to the participant under the plan does not exceed five thousand dollars (or the dollar limit under Section 411 (a)(11) of the Internal Revenue Code, if greater);
- (b) The participant has not previously received an in-service distribution of the total amount payable to the participant under the plan;

(c) No amount has been deferred under the plan with respect to the participant during the two-year period ending on the date of the in-service distribution; and

(d) The participant elects to receive the distribution.

NEW SECTION

The follow sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
415-512-010	415-501-410
415-512-015	415-501-415
415-512-020	415-501-420
415-512-030	415-501-430
415-512-040	415-501-440
415-512-050	415-501-450
415-512-070	415-501-470
415-512-075	415-501-475
415-512-080	415-501-480
415-512-085	415-501-485
415-512-086	415-501-486
415-512-087	415-501-487
415-512-090	415-501-490
415-512-095	415-501-495
415-512-110	415-501-500

**UNFORESEEABLE EMERGENCY**

AMENDATORY SECTION (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-524-010 Unforeseeable emergency.** (1) ((Payout)) Distribution request. Notwithstanding any other provisions in plan chapter((s)) 415-501 ((through 415-568)) WAC, in the event of an unforeseeable emergency, a participant (((or a beneficiary entitled to accumulated deferrals))) may request the department to ((pay-out)) distribute all or a portion of accumulated deferrals. If the ((application for payment)) request is approved by the department, ((payment)) distribution will be made within sixty days following such an approval. The amount paid shall be limited strictly to that amount reasonably necessary to satisfy the emergency need.

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from:

- (a) A sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant,
- (b) Loss of the participant's property due to casualty, or
- (c) Other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, ((payment)) distribution shall not be made to the extent that such hardship is or may be relieved;

PROPOSED

(i) Through reimbursement or compensation by insurance or otherwise;

(ii) By liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or

(iii) By cessation of deferrals under the plan.

Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

A divorce does not constitute an "unforeseeable emergency" or "severe financial hardship."

(2) Applications for review. All applications for review of decisions on requests for ~~((pay-out))~~ distribution of accumulated deferrals due to an unforeseeable emergency shall follow the procedure established in WAC 415-08-015.

(3) Mandatory suspension. Unforeseeable emergency requests received by the department, whether approved or denied, will cause a mandatory suspension of the participant as established in WAC 415-501-470.

(4) Pursuant to WAC 415-501-500, once distributions to a participant begin, the distributions may not be changed except in the event of an unforeseeable emergency and subject to the provisions of this section.

**NEW SECTION**

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-524-010	415-501-510

**LEAVE OF ABSENCE**

**NEW SECTION**

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-528-010	415-501-520

**AMENDMENT OR TERMINATION OF PLAN**

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-532-010 Termination of plan.** The employer or the department may at any time terminate this plan. Upon such termination, accumulated deferrals will be paid pursuant to ~~((chapter 415-512))~~ WAC 415-501-410 through 415-501-500 of the plan. The participants' deferrals will cease.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-532-020 Amendment of plan.** The department may ~~((also))~~ amend the provisions of this plan at any time: Provided, however, That no amendment shall affect the

rights of participants or their beneficiaries regarding accumulated deferrals at the time of the amendment.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
415-532-010	415-501-530
415-532-020	415-501-540

**RELATIONSHIP TO OTHER PLANS**

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-536-010 Retirement and Social Security not reduced.** It is intended that, pursuant to Section 457 of the Internal Revenue Code, the amount of deferred compensation will not be considered as current compensation for purposes of federal income taxation. Such amounts will, however, be included as compensation in determining benefits or rights under the employer's group insurance, other retirement plans and FICA. ~~((Payments))~~ Distributions under this plan will supplement retirement and death benefits payable under the employer's group insurance and other retirement plans.

NEW SECTION

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-536-010	415-501-550

**TRANSFER IN LIEU OF CASH**

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-540-010 Assets in lieu of cash.** Upon the occurrence of any event requiring the ~~((payment))~~ distribution of accumulated deferrals under this plan, the department may, in its sole discretion, elect to honor a request from the participant to substitute the transfer in kind and assignment of any asset which the employer has acquired, at fair market value.

NEW SECTION

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-540-010	415-501-560

PROPOSED

**NONASSIGNABILITY CLAUSE**

**AMENDATORY SECTION** (Amending WSR 98-20-047, filed 9/30/98, effective 10/31/98)

**WAC 415-544-010 Accumulated deferrals not assignable.** Neither the participant, nor the participant's beneficiary or beneficiaries, nor any other designee, has any right to sell, assign, transfer, commute, or otherwise convey the right to receive any ~~((payments))~~ distributions under the plan. These ~~((payments))~~ distributions and right thereto are nonassignable and nontransferable. Unpaid accumulated deferrals are not subject to attachment, garnishment, or execution and are not transferable by operation of law in event of bankruptcy or insolvency, except to the extent otherwise required by law. In the event of any attempt to assign or transfer, the state investment board and the department will have no liability.

**NEW SECTION**

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-544-010	415-501-570

**ASSETS****NEW SECTION**

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-548-010	415-501-580

**PARTICIPATION BY DEPARTMENT OFFICERS AND EMPLOYEES AND MEMBERS OF THE EMPLOYEE RETIREMENT BENEFITS BOARD**

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-552-010 Participation by department officers and employees and members of the employee retirement benefits board.** Department officers and employees and members of the employee retirement benefits board, who are otherwise eligible, may participate in the plan under the same terms and conditions as apply to other participants; but such ~~((an))~~ officers, employees, or board members shall not participate in any department or board action uniquely affecting their own participation.

**NEW SECTION**

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-552-010	415-501-590

**EMPLOYER PARTICIPATION**

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-556-010 Employer contributions.** The employer may, pursuant to ~~((a changed or new participation agreement filed by a participant as specified in))~~ WAC ~~((415-542-050))~~ 415-501-450 or ~~((415-512-070))~~ 415-501-470, add additional deferred compensation for services to be rendered by the employee to the employer during any calendar month, provided:

(1) The employee has elected to have such additional compensation deferred, invested, and distributed, pursuant to this plan, prior to the calendar month in which the compensation is earned; and

(2) Such additional deferred compensation, when added to all other deferred compensation under the plan, does not exceed the maximum deferral permitted by ~~((chapter 415-542))~~ WAC 415-501-410 through 415-501-500.

**NEW SECTION**

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-556-010	415-501-600

**INVESTMENT RESPONSIBILITY****NEW SECTION**

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
415-560-010	415-501-610

**DEPARTMENT POWERS**

**AMENDATORY SECTION** (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-564-010 Plan prevails.** In the event any form or other document used in administering this plan ~~((including but not limited to enrollment forms and marketing materials))~~ conflicts with the terms of the plan, the terms of the plan shall prevail.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-564-020 Decision binding.** The department is authorized to determine any matters concerning the rights of any participant under this plan and such determination shall be binding on the participant and any beneficiary thereof.

A participant or beneficiary may file a petition for review under chapter 415-04 WAC or an application under WAC 415-08-015(2) for review of a decision to deny an application for distribution pursuant to WAC 415-501-510.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-564-040 Tax status not guaranteed.** The department does not:

(1) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of the participant's participation in this plan;

(2) Assume any liability for a participant's compliance with the Internal Revenue Code.

The participant should consult with ~~((the participant's))~~ his/her own representative regarding all questions of federal or state income, payroll, personal property or other tax consequences arising from participation in this plan.

AMENDATORY SECTION (Amending WSR 96-16-020, filed 7/29/96, effective 7/29/96)

**WAC 415-564-050 Department may require court order.** The department or the employer, if in doubt concerning the correctness of their action in making a ~~((payment))~~ distribution of accumulated deferrals, may suspend ~~((payment))~~ distribution until satisfied as to the correctness of the ~~((payment))~~ distribution or the person to receive the ~~((payment))~~ distribution or to allow the filing in any state court of competent jurisdiction of a civil action seeking a determination of the amounts to be paid and the persons to receive them. The department and the employer shall comply with the final orders of the court in any such suit; and the participant, for the participant and the participant's beneficiary or beneficiaries, consents to be bound thereby. Whenever ~~((payment))~~ distribution of accumulated deferrals is suspended pursuant to this section, the time for a participant or beneficiary making any election under WAC ~~((415-512-090))~~ 415-501-490 shall not begin until amount(s) and person(s) entitled are determined either by a written agreement of all parties concerned or by a court judgment that has become final.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
415-564-010	415-501-360
415-564-020	415-501-370

415-564-030	415-501-305
415-564-040	415-501-320
415-564-050	415-501-380
415-564-060	415-501-390

**APPLICABLE LAW**

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
415-568-010	415-501-710
415-568-020	415-501-720

**WSR 00-08-100**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

(Chemical Dependency Professionals)

[Filed April 5, 2000, 9:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-15-035.

Title of Rule: WAC 246-811-090, 246-811-100 and 246-811-110, client disclosure information.

Purpose: There is a need to implement the 1998 legislation to further define what disclosure information certified chemical dependency professionals will be required to provide to their clients.

Statutory Authority for Adoption: RCW 18.205.060(15).

Statute Being Implemented: Chapter 18.205 RCW.

Summary: This statute allows the department to establish disclosure statement requirements. The disclosure requirements would provide clients with information concerning their chemical dependency professional treatment to ensure protection of their health and safety.

Reasons Supporting Proposal: A collaborative effort was made to include stakeholders, practicing CDP providers, the chemical dependency advisory committee, and the Department of Health. The proposed rule reflects this effort in setting disclosure statement requirements.

Name of Agency Personnel Responsible for Drafting: Kris Waidely, Program Manager, 1300 S.E. Quince, Olympia, WA, (360) 236-4906; Implementation and Enforcement: Shellie Pierce, Program Manager, 1300 S.E. Quince, Olympia, WA, (360) 236-4907.

Name of Proponent: Department of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Health professions must be self supportive.

Rule is not necessitated by federal law, federal or state court decision.

PROPOSED

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule specifies the client disclosure information that chemical dependency professionals would provide to their clients.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

The proposed rule for client disclosure information poses a minimal cost to the practitioner. Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The more than minimum cost threshold from "804 Office of Clinics and Other Healthcare Practitioners" is set at \$110.00. The new cost to implement the proposed rule does not exceed the threshold, therefore, a small business economic impact statement is not required.

A copy of the statement may be obtained by writing to Kris Waidely, Program Manager, CDP Program, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4906, fax (360) 236-4909.

RCW 34.05.328 applies to this rule adoption. The client disclosure information would provide clients with information concerning their chemical dependency professional and would inform clients of their rights if their practitioner violates the acts of unprofessional conduct in RCW 18.130.180.

Hearing Location: 1101 South Eastside Street, Room 6A, Olympia, WA, on May 12, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kris Waidely by May 5, 2000, TDD (800) 833-6388, or (360) 236-4906.

Submit Written Comments to: Kris Waidely, Program Manager, CDP Program, P.O. Box 47869, Olympia, WA 98504-7869, fax (360) 236-4909, by May 5, 2000.

Date of Intended Adoption: May 31, 2000.

April 3, 2000  
M. C. Selecky  
Secretary

**CLIENT DISCLOSURE INFORMATION**

NEW SECTION

**WAC 246-811-090 Who must provide client disclosure information?** Chemical dependency professionals must provide disclosure information to each client prior to the delivery of certified services (WAC 440-22-010). Disclosure information may be printed in a format of the chemical dependency professional's choosing or in a general format used by a state approved treatment facility.

NEW SECTION

**WAC 246-811-100 What must I include on my disclosure statement?** (1) The following information must be printed on all disclosure statements provided to counseling clients in language that can be easily understood by the client:

(a) Name of firm, agency, business, or chemical dependency professional's practice.

(b) Chemical dependency professional's business address and telephone number.

(c) Washington state certified chemical dependency professional number.

(d) The chemical dependency professional's name with credentials.

(e) Billing information, including:

(i) Client's cost per each counseling session;

(ii) Billing practices, including any advance payments and refunds.

(f) A list of the acts of unprofessional conduct in RCW 18.130.180 including the name, address, and contact telephone number within the department of health.

(2) The chemical dependency professional and the client must sign and date a statement indicating that the client has been provided a copy of the required disclosure information and the client has read and understands the information provided.

NEW SECTION

**WAC 246-811-110 What happens if I fail to provide client disclosure information?** Failure to provide to the client any of the disclosure information required by WAC 246-811-090 and 246-811-100 constitutes an act of unprofessional conduct as defined in RCW 18.130.180(7) and may be grounds for disciplinary action.

**WSR 00-08-101**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Board of Pharmacy)  
[Filed April 5, 2000, 9:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-16-087.

Title of Rule: Pharmacy assistants.

Purpose: To regulate the practice of pharmacy technicians and pharmacy assistants.

Statutory Authority for Adoption: RCW 18.64.005, chapter 18.64A RCW.

Statute Being Implemented: RCW 18.64A.020.

Summary: The proposed amendments will update rules governing pharmacy assistants and technicians. The proposed amendments implement legislation enacted by the 1997 legislature.

Reasons Supporting Proposal: Implement legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: D. H. Williams, Executive Director, 1300 Quince Street S.E., Olympia, WA 98504, (360) 236-4828.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

PROPOSED

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: Implement legislation, to enhance and promote public health, and to protect health and welfare. The proposed changes redistribute responsibilities within the pharmacy to allow the pharmacist more time to provide direct patient services by allowing appropriately trained ancillary personnel to perform technical and distributive tasks.

Proposal Changes the Following Existing Rules: The proposed amendments change the title of pharmacy assistants, updates language and terminology, allows the board to approve a certification exam as part of the pharmacy technician training program, requires pharmacy assistants to register with the board, revises the educational requirements for foreign-trained pharmacy technicians, revises the duties a pharmacy assistant and technician can perform, increases the pharmacist to pharmacy technician ratio to one pharmacist to three technicians, and allows the board to approve demonstration projects.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Background:** This rule impacts pharmacies and pharmacy assistants. Each pharmacy assistant must apply for his or her own license. Since licenses are granted to individuals who all qualify as small businesses, rather than entities with multiple persons, there can not be a disproportionate impact on these licensees.

This rule also impacts pharmacies. The standard industrial code (SIC) assigned to pharmacies is 512 with a minor cost threshold of \$300. The impact of this rule exceeds the minor threshold.

**Is an SBEIS Necessary?** Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. However, the Washington State Business Assistance Center has not developed a "more than minor" threshold for the pharmacy SIC code (#591). Therefore, this analysis used the lower end of the "more than minor" range-\$50. The per business cost of the proposed regulation exceeds the \$50 minor cost threshold so an SBEIS is required.

**Does the Proposed Rule Affect Both Large and Small Businesses?** The Regulatory Fairness Act defines a business as "...[any] entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit..." The act also defines a small business as one that employs less than 50 individuals.

According to the U.S. Department of Commerce,<sup>5</sup> 696 independent drug stores operated in Washington (SIC #591) in 1996. Of these, 674 had fewer than 50 employees while 22 had more than 50 employees. This rule clearly has the potential of imposing disproportionate costs on small businesses.

**Does the Proposed Rule Impose Disproportionate Cost on Small Businesses?** During the development of this SBEIS the board contacted numerous pharmacies on three separate occasions to solicit information on the economic impact of this rule. Only three pharmacies responded. Of the pharmacies that responded, all three were large corporations. Therefore, information pertaining to the impact on small businesses is based primarily upon the experience of staff. The following table details the board's estimate of the cost of the proposed rule to small and large businesses.

Proposed Change	Small Business	Large Business
Prohibition of assistants entering new prescriptions into the computer.	The financial effect of prohibiting pharmacy assistants entering new prescriptions into the computer could be offset by redistributing duties within the pharmacy. The proposed amendments allow the assistant to count for individual prescriptions. The current rule does not allow assistants to count for individual prescriptions. The cost associated with the pharmacists performing prescription entry could be offset by allowing assistants to count for individual prescriptions.	The effect on large pharmacies depends on practice site. Some pharmacies currently use pharmacy assistants to enter new prescription information while others do not. Estimated cost up to \$4104 per month. This cost will be more than offset by allowing pharmacy assistants to count for individual prescriptions.
Requires a foreign trained applicant for which English is not their primary language to obtain a score of 50 on the Test of Spoken English.	No cost-only affects individual pharmacy assistants. Therefore, no disproportionate cost.	No cost-only affects individual pharmacy assistants. Therefore, no disproportionate cost.
Requires pharmacies to be able to retrieve within 72 hours records demonstrating a technician's training and proficiency in specialized functions.	Requires pharmacies to store data on pharmacy technician's qualifications. Pharmacies must currently check this information prior to allowing technicians [to] perform specialized functions. Therefore, no disproportionate cost.	Requires pharmacies to store data on pharmacy technician's qualifications. Pharmacies must currently check this information before letting technicians perform specialized functions. Therefore, no disproportionate cost.
Develop a new or revise an existing pharmacy technician training program. This requirement only affects pharmacies that train technicians.	Pharmacies report a one-time only cost to develop a pharmacy technician training program at \$100 to \$2130. This requirement will likely produce a disproportionate impact on small pharmacies for two reasons. First, small pharmacies have fewer employees to spread this cost over. Second, many small pharmacies are located in rural areas and will likely have a more difficult time recruiting certified technicians.	Pharmacies report a one-time only cost to develop a pharmacy technician training program at \$100 to \$2130.

Cost to submit technician training program to board for reapproval every five years.	\$350.00 per pharmacy. For the reasons described above likely to produce a disproportionate impact on small pharmacies.	\$350.00 per pharmacy.
Allows a pharmacist to pharmacy technician ratio of 1 to 3.	Could result in significant savings to pharmacies. However, to capture the savings pharmacies would have to substitute a pharmacy technician (\$13 average hourly wage) for a pharmacist (\$32). Many small pharmacies will not have the prescription volume to utilize the increased ratio.	Could result in significant savings to pharmacies. Larger pharmacies would have an advantage over small business as they would have more flexibility to change staffing levels.
Purchasing new name tags (to designate employees as "pharmacy technician" or "pharmacy assistant").	Minimal one-time only cost of approximately \$3.25 per name tag. Cost would be dependent upon the number of ancillary personnel employed at the pharmacy.	Minimal one-time only cost of approximately \$3.25 per name tag. Cost would be dependent upon the number of ancillary personnel employed at the pharmacy.
Develop a pharmacy services plan.	Unknown. None of the stakeholders providing information were able to estimate the cost of developing a pharmacy services plan.	Unknown. None of the stakeholders providing information were able to estimate the cost of developing a pharmacy services plan.
Increase in technician wage due to supply and demand.	\$1.00-2.00 per hour per technician.  Pharmacy technicians will be needed to work more night and weekend shifts (shifts that were previously covered by assistants). Technician responsibilities have been expanded.	\$1.00-2.00 per hour per technician.  Pharmacy technicians will be needed to work more night and weekend shifts (shifts that were previously covered by assistants). Technician responsibilities have been expanded.

PROPOSED

The other amendments fall into the category of "house-keeping." An example is updating language to be consistent with the department's uniform rules on credentialing.

**Does the Proposed Rule Impose Disproportionate Cost on Small Businesses?** It is very difficult to quantify the cost of this rule on the regulated parties. The impact of this rule varies greatly dependent upon practice site. Very little information was received from pharmacies to assess the cost in spite of three mailings to solicit the information. Some pharmacies do not utilize pharmacy assistants so there will be no financial impact on these parties. Nevertheless, the board concludes that certain requirements in the proposed rule are likely to result in disproportionate burdens on small pharmacies. Specifically: (1) The prohibition of assistants entering new prescriptions into the computer; and (2) the requirement for a training program for pharmacies that hire technicians who have not been certified by the board. In addition, small pharmacies are less likely to be able to take advantage of the proposed relaxation in the ratio of pharmacists to pharmacy technicians. (Staffing at larger pharmacies gives them more flexibility [to] adjust to the proposed increase in the pharmacy technician to pharmacist ratio.)

**Steps Taken by the Agency to Reduce the Disproportionate Cost of the Rule on Small Businesses or Justification for Not Doing So:** The Regulatory Fairness Act requires state agencies to take steps to reduce the disproportionate burden a regulation places on small businesses where "legal and feasible." The board has determined that it would not be feasible to mitigate the impact of this rule on small businesses. Mitigation could jeopardize public health. An example of this would be allowing pharmacy assistants to continue to enter new prescription information into the computer. The pharmacy assistant is the least trained individual in the pharmacy. This responsibility requires judgment and should be reserved to the pharmacist or the pharmacy technician. Allowing small businesses to use a greater ratio would not protect public health and would not be of benefit to the small business.

**Other Mandates of the Regulatory Fairness Act: State efforts to involve businesses when developing the proposed rule.** The board created a workgroup to draft proposed amendments to the rule. Small businesses were represented in the workgroup and were given an opportunity to provide input. In addition, all pharmacies were given the opportunity to provide input on the rules at board meetings and in writing. Interested parties have had ample opportunities to participate in the drafting of the rule and to provide comments. This topic has been discussed at every meeting of the board, with the exception of one meeting, during the past two years. In addition, the board has solicited input and comments from licensees through the board's quarterly newsletter.

**What Are the Reporting, Recordkeeping, and Other Compliance Requirements?** Pharmacies will be required to maintain records pertaining to the training of pharmacy technicians. Pharmacies will also be required to submit pharmacy technician training programs to the board for approval every five years. Training technicians is not mandatory, a pharmacy could hire a technician that has successfully completed training and has his or her certificate to practice.

**Will the Proposed Rule Cause Affected Industries to Lose Business?** The proposed rule will not cause affected industries to lose business.

<sup>5</sup> U.S. Department of Commerce, County Business Patterns, Washington, CBP/96-49, November 1998.

A copy of the statement may be obtained by writing to Lisa Salmi, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4828, or fax (360) 586-4359.

RCW 34.05.328 applies to this rule adoption. These rules are significant because they adopt substantive provisions, which subject the violator to penalty or sanction and establish, alter or revoke qualifications for the issuance, suspension or revocation of a license. The agency has conducted the additional analysis required under the law.

Hearing Location: Melbourne Towers, 1511 3rd Avenue, Room 308, Seattle, WA, on May 17, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by May 1, 2000, TDD (800) 833-6388, or (800) 525-0127.

Submit Written Comments to: Lisa Salmi, fax (360) 586-4359, by May 1, 2000.

Date of Intended Adoption: May 17, 2000.

March 24, 2000

D. H. Williams

Executive Director

## Chapter 246-901 WAC

### PHARMACY ((ASSISTANTS)) ANCILLARY PERSONNEL

AMENDATORY SECTION (Amending WSR 94-08-097, filed 4/6/94, effective 5/7/94)

**WAC 246-901-010 Definitions.** (1) "Consultation" means:

(a) A communication or deliberation between a pharmacist and a patient, a patient's agent, ~~((and/))~~ or a patient's health care provider in which the pharmacist uses professional judgment to provide advice about drug therapy.

(b) A method by which the pharmacist meets patient information requirements as set forth in WAC 246-869-220.

(2) "Dispense" as defined in RCW 18.64.011(16).

(3) "Intravenous admixture preparation" means the preparation of a drug product that combines two or more ingredients using aseptic technique and is intended for administration into a vein.

(4) "Parenteral" as defined in WAC ~~((246-871-020))~~ 246-871-010.

(5) "Pharmacy ~~((assistant))~~ technician specialized function" means ~~((a function that the board has determined does not require the supervision normally required by a Level A pharmacy assistant but does require additional training))~~ certain tasks normally reserved to a pharmacist according to WAC 246-863-095 that may be performed by a pharmacy technician who has met board requirements.

(6) "Prescription" as defined in RCW 18.64.011(8).

(7) "Responsible manager" as defined in WAC 246-869-070.

(8) "Unit-dose" and "unit-dose drug distribution system" as defined in WAC 246-865-010.

(9) "Unit-dose medication cassettes" means containers for a patient's medications into which each individually packaged and labeled drug is placed.

(10) "Verification" means ~~((that))~~ the pharmacist has reviewed a patient drug order initiated by an authorized prescriber, has examined the patient's drug profile, and has approved the drug order after taking into account pertinent drug and disease information to insure the correctness of the drug order for a specific patient. The verification process must generate an audit trail that identifies the pharmacist. The pharmacist who performs the verification of a drug order is responsible for all reports generated by the approval of that order. The unit-dose medication fill and check reports are an example.

(11) "Immediate supervision" means visual and/or physical proximity to a licensed pharmacist to ensure patient safety.

AMENDATORY SECTION (Amending WSR 94-08-097, filed 4/6/94, effective 5/7/94)

**WAC 246-901-020 ((Level A)) Pharmacy ((assistants)) ancillary personnel utilization.** (1) ~~((Level A pharmacy assistants may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy:~~

~~((2) Immediate supervision shall include visual and/or physical proximity that will insure adequate safety controls:~~

~~((3) The following shall not be considered to be manipulative and nondiscretionary functions associated with the practice of pharmacy:~~

~~((a) Consultation with the prescriber regarding the patient and his prescription:~~

~~((b) Receipt of a verbal prescription other than refill approval or denial from a prescriber.~~

~~((c) Consultation with the patient regarding the prescription, both prior to and after the prescription filling and/or regarding any information contained in a patient medication record system:~~

~~((d) Interpretation and identification of the contents of the prescription document.~~

~~((e) Determination of the product required for the prescription:~~

~~((f) Extemporaneous compounding of the prescription, except in accordance with written policies and procedures in accordance with WAC 246-901-100, whereby the accuracy, correct procedure and preparation, and safety of pharmaceutical constituents can be verified by the pharmacist.~~

~~((g) Interpretation of data in a patient medication record system.~~

~~((h) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including but not limited to accuracy of drug strength, labeling, and proper container provided that a Level A pharmacy assistant may perform specialized functions. The employer and the responsible manager are responsible and liable for the acts performed by the Level A pharmacy assistant as set forth in WAC 246-901-100(2) board approved utilization plan.~~

~~((i) Dispense prescriptions to patient with proper patient information as required by WAC 246-869-220.~~

~~((j) Any duty required by law, rule or regulation to be performed only by a registered pharmacist.~~

~~((4) Except for a specialized function approved by the board for the location, a Level A pharmacy assistant shall not release any drug ordered for a specific patient from the pharmacy or satellite pharmacy that has not been checked by a licensed pharmacist.)) Pharmacy technicians may perform certain nondiscretionary and specialized functions consistent with their training in pharmacy practice while under the immediate supervision of a licensed pharmacist.~~

(2) The discretionary tasks reserved to a pharmacist are listed in WAC 246-863-095.

(3) Unless authorized as a specialized function according to WAC 246-901-035, the pharmacy technician shall assist a pharmacist in the performance of all tasks except those reserved to a pharmacist in subsection (2) of this section.

(4) Entry of a new medication order into the pharmacy computer system and retrieval of the drug product to fill a prescription are tasks reserved to the pharmacist and pharmacy technician.

(5) The pharmacy assistant may assist a pharmacist in performance of all tasks except those reserved to the pharmacist and pharmacy technician.

(6) Pharmacy ancillary personnel may record or provide medication data when no interpretation is required.

**AMENDATORY SECTION** (Amending WSR 94-08-097, filed 4/6/94, effective 5/7/94)

**WAC 246-901-030 ((Level A)) Technician education and training.** ~~(1) ((The education and/or training of Level A pharmacy assistants shall be obtained))~~ Pharmacy technicians must obtain education or training from one of the following:

(a) Formal academic program for pharmacy assistant training approved by the board.

(b) On-the-job training program approved by the board.

(2) The minimum educational prerequisite for entering a training program shall be high school graduation or G.E.D.

~~(3) ((Foreign trained applicants must earn five hundred twenty hours of supervised experience in an approved pharmacy assistant training program. In addition,))~~ In order to receive certification as a pharmacy technician, the technician must send the board the following:

(a) A state application indicating completion of board approved training programing;

(b) Proof of successful completion of a certification examination approved by the board.

(4) An out-of-state pharmacy technician applicant must meet the same requirements as a pharmacy technician trained in this state. The board must approve training programs approved in other states.

(5) Applicants whose academic training has been obtained in foreign countries shall meet certification requirements as listed below:

(a) Foreign pharmacy school graduates. Board approval of program completed for the degree.

(b) Foreign medical school graduates. Board approval of program completed for the degree.

~~((4))~~ (c) All foreign graduates for whom English is not the primary language shall provide proof of receiving a score of at least ((500)) 173 on the Test of English as a Foreign Language (TOEFL) and a score of 50 on the Test of Spoken English (TSE) prior to certification.

~~((5))~~ (d) Foreign trained applicants must earn 520 hours of supervised experience in an approved pharmacy technician training program.

(6) Prior to performing specialized functions, ((Level A)) pharmacy ((assistants)) technicians shall complete specialized training and meet proficiency criteria set forth by the board.

(a) Unit-dose medication checking. The training proficiency criteria requires demonstration of 99% accuracy in medication checking.

(b) Intravenous admixture preparation. The training proficiency criteria requires demonstration of 100% accuracy in intravenous admixture preparation of a representative sample of preparations provided by the facility using aseptic technique.

**AMENDATORY SECTION** (Amending WSR 94-08-097, filed 4/6/94, effective 5/7/94)

**WAC 246-901-035 Pharmacy ((assistants)) technician specialized functions.** A ((Level A)) pharmacy ((assistant)) technician who meets established criteria for employment, experience, training and demonstrated proficiency may perform specialized functions. The criteria shall be specified in the utilization plan of the pharmacy for ((Level A)) pharmacy ((assistants)) technicians performing specialized functions required in WAC 246-901-100 (2)(b). Records of ((Level A)) pharmacy ((assistant)) technician training and of demonstration of proficiency shall be ~~((kept on file in the pharmacy))~~ retrievable within seventy-two hours upon request of the board. Specialized functions include the following:

(1) Unit-dose medication checking. Following verification of the drug order by a licensed pharmacist, a ((Level A)) pharmacy ((assistant)) technician may check unit-dose medication cassettes filled by another ((Level A)) pharmacy ((assistant)) technician or pharmacy intern in pharmacies serving facilities licensed ~~((pursuant to))~~ under chapter 70.41, 71.12, 71A.20 or 74.42 RCW. No more than a forty-eight hour supply of drugs may be included in the patient medication cassettes and a licensed health professional must check the drug before administering it to the patient.

(2) Intravenous admixture and other parenteral preparations. A ((Level A)) pharmacy ((assistant)) technician may prepare intravenous admixtures and other parenteral drugs. ~~((Each parenteral drug prepared by a Level A pharmacy assistant must be checked by a licensed pharmacist.))~~ A licensed pharmacist must check each parenteral drug prepared by a pharmacy technician.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-901-040 Limitations, trainees.** An individual enrolled in a training program for ((Level A)) pharmacy ((assistants)) technicians will perform ((Level A)) technician functions only under the immediate supervision of a pharmacist preceptor or a delegated alternate pharmacist.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-901-050 ((Level A)) Technician program approval.** (1) Program standards. The board will establish standards ~~((by which programs designed to train Level A))~~ for judging pharmacy ~~((assistants shall be judged))~~ technician training programs.

(2) Approval. In order for a program for training pharmacy (~~assistants~~) technicians to be considered for approval by the board, the director of the program, who shall be a pharmacist, shall submit to the board a description of the course of training offered, including subjects taught, method of teaching, and practical experience provided. The director of the program shall also advise the board concerning the skills and knowledge which are obtained in (~~such~~) the course, and the method by which the proficiency of the pharmacy (~~assistant~~) technician in those skills and knowledge (~~was~~) is tested or ascertained. The board may require such additional information from program sponsors (~~as it desires~~).

(3) Program change. (~~The board shall be informed and shall grant approval before any significant change in program can be implemented.~~) The director shall request board approval before implementing any significant program change.

(4) Reapproval. (~~Each approved program will be reexamined at intervals to be determined by the board. Approval will be continued or withdrawn following each reexamination.~~) The director shall submit each approved program to the board for reapproval every five years.

(5) Registry. (~~A registry of approved programs shall be maintained by the board which shall be available upon request to interested persons.~~) The board will maintain a registry of approved programs. Interested persons may request a copy of the registry by contacting the board.

AMENDATORY SECTION (Amending Order 387B, filed 8/17/93, effective 9/17/93)

WAC 246-901-060 ((Level-A)) Technician certification. (~~Any person completing an approved pharmacy assistant training program and who wishes to perform in that capacity shall apply to the board for certification as a Level A pharmacy assistant, on forms to be supplied by the board, which shall include a verification of program competency by a notarized statement of the program director and a declaration by the applicant indicating whether he or she has at any time been found guilty by any court of competent jurisdiction of any violation of any laws relating to drugs or the practice of pharmacy.~~) To become certified as a pharmacy technician, an individual must:

(1) Complete an approved pharmacy technician program;

(2) Apply to the board for certification. The application must include a notarized statement of program verification signed by the program director.

It is the responsibility of the pharmacy (~~assistant~~) technician to maintain a current mailing address with the board as required by chapter 246-12 WAC. Pharmacy (~~assistants~~) technicians shall notify the (~~state~~) board (~~of pharmacy~~) of any change of mailing address within thirty days of the change. (~~The board may rely upon the last mailing address for purposes of service or delivery of any official board documents, including the service of adjudicative proceeding documents. If, after a good faith but unsuccessful attempt to determine the actual address of a certificate holder, charges against the pharmacy assistant are mailed by certified mail to the address on file with the board and returned unclaimed or~~

~~are unable to be delivered for any reason, the board may proceed against the assistant by default under RCW 34.05.440.)~~

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-901-065 Expired technician license. (1) If the technician license has expired for five years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over five years, the practitioner must:

(a) Complete certification requirements within one year of application to the board for certification (~~complete the certification requirements~~);

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the practitioner has been in an active practice in another United States jurisdiction with duties that are substantially equivalent to a (~~Level-A~~) pharmacy (~~assistant~~) technician in Washington state, the practitioner must:

(a) Submit verification of active practice from any other United States jurisdiction;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-070 ((Level-B)) Pharmacy assistant((s)) utilization. (~~Level-B~~) Pharmacy assistants may perform, under the general supervision of a licensed pharmacist, all duties (~~including typing of prescription labels, filing, refiling, bookkeeping, pricing or determination of cost or charge, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements~~) except those reserved to the pharmacist and the pharmacy technician.

(~~Level-B~~) Pharmacy assistants may:

(1) Prepackage and label drugs for subsequent use in prescription dispensing operations. (~~However, they cannot~~)

(2) Count, pour, ((or)) and label for individual prescriptions.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-080 ((Level-B certification programs)) Pharmacy assistant registration. (1) Training. No formal training or educational program will be required by the board, and there will be no age or educational restrictions. The supervising pharmacist shall thoroughly instruct the (~~Level-B~~) pharmacy assistant in the limitations of the functions he or she may perform.

(2) (~~Record of certifications. All pharmacies employing Level B pharmacy assistants shall complete a certification application on a form approved by the board, such form to include a declaration by the applicant that he or she has never been found guilty by any court of competent jurisdiction of any violation of any laws relating to drugs or the practice of~~

pharmacy, for each ~~Level B pharmacy assistant employed.~~ The completed form will be witnessed by the responsible pharmacist for the pharmacy and will be produced for inspection on the request of the board or its agents. Registration of pharmacy assistants. Any person desiring registration as a pharmacy assistant shall apply to the board for registration on forms to be supplied by the board. The fee for ~~(certification)~~ registration will be included in the fee for authorization to utilize the services of pharmacy ~~((assistants))~~ ancillary personnel.

(3) It is the responsibility of the pharmacy assistant to maintain a current mailing address with the board as required by chapter 246-12 WAC. Pharmacy assistants shall notify the board of any change of mailing address within thirty days of the change.

(4) A pharmacy assistant registration must be renewed every two years on the assistant's birthdate. The fee for renewal is included in the fee the pharmacy pays to utilize pharmacy ancillary personnel.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-901-090 Identification.** All ~~((Level A))~~ pharmacy ~~((assistants must wear badges or tags clearly identifying them as Level A pharmacy assistants while on duty. Those pharmacy assistants))~~ ancillary personnel working within the pharmacy and having contact with patients or the general public shall wear badges or tags clearly identifying ~~((their status))~~ them as pharmacy assistants or technicians.

AMENDATORY SECTION (Amending WSR 94-08-097, filed 4/6/94, effective 5/7/94)

**WAC 246-901-100 Board approval of pharmacies utilizing pharmacy ~~((assistants))~~ ancillary personnel and specialized functions.** (1) Application. All licensed pharmacies may apply on a form supplied by the board for permission to utilize the services of pharmacy ~~((assistants))~~ ancillary personnel.

(2) Utilization plan for ~~((Level A))~~ pharmacy ~~((assistants))~~ technicians.

(a) General. The application for approval must describe the manner in which the pharmacy ~~((assistants))~~ technicians will be utilized and supervised, including job descriptions, task analysis or similar type documents that define the duties performed and the conditions under which they are performed, number of positions in each category, as well as other information as may be required by the board. The board will be notified of all changes to the utilization plan. A copy of the utilization plan must be maintained in the pharmacy.

(b) Specialized function. The utilization plan for ~~((Level A))~~ pharmacy ~~((assistants))~~ technicians performing specialized functions. The utilization plan must include:

(i) The criteria for selection of ~~((Level A))~~ pharmacy ~~((assistants))~~ technicians to perform specialized functions;

(ii) A description of the methods of training and of initial demonstration of proficiency;

(iii) A copy of the part of the section of the pharmacy's quality assurance plan related to pharmacy ~~((assistants))~~ technician specialized functions;

(iv) Other information that may be required by the board.

(c) To gain approval for specialized functions, a pharmacy must follow board-approved guidelines regarding pharmacy ~~((assistant))~~ technician training, implementation and evaluation.

(3) Utilization plan for ~~((Level B))~~ pharmacy assistants. The application for approval shall list the job title or function of the pharmacy assistant.

(4) The board may give conditional approval for pilot or demonstration projects for innovative applications in the utilization of pharmacy ~~((assistants))~~ ancillary personnel.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-901-120 ~~((Pharmacy assistant))~~ AIDS prevention and information education requirements.** Pharmacy technician and assistant applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

AMENDATORY SECTION (Amending WSR 94-08-097, filed 4/6/94, effective 5/7/94)

**WAC 246-901-130 Pharmacist to pharmacy ~~((assistant))~~ technician ratio.** (1) ~~((RCW 18.64A.040 establishes a ratio of pharmacists to Level A pharmacy assistants who are performing Level A functions. This ratio is one pharmacist to one Level A pharmacy assistant in most pharmacies, including hospital outpatient activities and one to three in pharmacies associated with inpatient hospital services including those pharmacies operating in connection with facilities licensed pursuant to chapter 70.41, 71.12, 71A.20 or 74.42 RCW.~~

(2)) A standard ratio of one pharmacist to a maximum of three technicians is established for each licensed pharmacy.

(2) The pharmacist must be actively practicing pharmacy.

(3) In determining which pharmacists may be included in the calculation of the ratio, the board will consider approval of pharmacy ~~((assistant))~~ technician utilization plans which include all pharmacists within the pharmacy who are engaged in the actual practice of pharmacy. When the pharmacy provides service to inpatients of a hospital or extended care facility, pharmacists who are practicing pharmacy outside of the confines of the licensed pharmacy ~~((e.g.))~~ for example, performing nursing unit inspections, reviewing charts, consulting with health professional staff) may be included in the ratio, ~~((provided))~~ if:

(a) There are sufficient numbers of pharmacists within the pharmacy to properly supervise the work of the pharmacy ~~((assistants))~~ technicians;

(b) The pharmacy is not open to the public;

(c) The medications are being checked by another health professional before being given to the patient;

(d) Drug orders are not dispensed from the pharmacy without being checked by a licensed pharmacist or pharmacy intern except for board-approved (~~Level A~~) pharmacy (~~assistant~~) technician specialized functions provided a (~~Level A~~) pharmacy (~~assistant~~) technician may check unit-dose medication cassettes.

**NEW SECTION**

**WAC 246-901-140 Pharmacy services plan.** A pharmacy may use more pharmacy technicians than prescribed by the standard ratio if the board approves the pharmacy's pharmacy services plan.

(1) The pharmacy services plan shall include, at a minimum, the following information: Pharmacy design and equipment, information systems, workflow, and quality assurance procedures. In addition, the pharmacy services plan shall demonstrate how it facilitates the provision of pharmaceutical care by the pharmacy.

(2) The board may require additional information to ensure appropriate oversight of pharmacy technicians before approving a pharmacy services plan.

(3) The board may give conditional approval for pilot or demonstration projects.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 246-901-110      Level A experience equivalency.

**WSR 00-08-103  
PROPOSED RULES  
FOREST PRACTICES BOARD**

[Filed April 5, 2000, 10:24 a.m.]

Continuance of WSR 98-21-015, 99-09-078 and 99-22-032.

Preproposal statement of inquiry was filed as WSR 98-16-099.

Title of Rule: Amendments to forest practices rules, Title 222 WAC.

Purpose: Current forest practices rules are not providing adequate protection for salmon and other public resources. The Forest Practices Board and the Department of Natural Resources face many new resource protection challenges, the most significant of which are the current and proposed listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

At its September 22, 1998, [meeting] the Forest Practices Board approved the following goals for this rule package:

- 1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
- 2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;

3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and

4. To keep the timber industry economically viable in Washington.

The Forest Practices Board adopted new emergency rules which became effective March 20, 2000. The Salmon Recovery Act (ESHB 2091) allows these emergency rules to be in place until new permanent forest practices rules are adopted or until June 30, 2001, whichever is sooner.

The Forest Practices Board is conducting rule making on a comprehensive package of new and revised permanent rules. The board selected a preferred alternative (based on the Forests and Fish Report, April 29, 1999) and a draft environmental impact statement analyzing the environmental effects of current rules, the preferred alternative, and a third alternative, was published on March 20, 2000.

After public review of the draft EIS, the Forest Practices Board will be preparing draft permanent rules which will be filed as a supplemental notice in the fall of 2000. Public hearings will be held state-wide in October 2000. The permanent rule proposal will then be finalized in early 2001, and adoption is slated for April 2001.

For more information and the latest rule adoption schedule, check the Forest Practices Board web site at [www.wa.gov/dnr](http://www.wa.gov/dnr).

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Modify forest practices rules (Title 222 WAC) to incorporate new public resource protection requirements. Categories of rules include riparian protection for fish-bearing and nonfish-bearing streams; water typing; wetlands; Class IV-Special; SEPA guidance; application procedures; roads; slope stability; forest chemicals; enforcement; monitoring; adaptive management; and watershed analysis.

Citation of existing rules amended by this order: WAC 222-08-035 Continuing review of forest practices rules, 222-12-045 Adaptive management, 222-12-090 Forest practices board manual, 222-16-010 General definitions, 222-16-030 Water typing system, 222-16-050 Classes of forest practices, 222-20-010 Applications and notifications—Policy, 222-20-020 Application time limits, 222-20-070 Emergency forest practices plan, 222-22-010 Policy-watershed analysis, 222-22-030 Qualification of analysts, 222-22-040 Watershed prioritization, 222-22-050 Level 1 watershed assessment, 222-22-060 Level 2 watershed assessment, 222-22-070 Prescription recommendation, 222-22-090 Use and review, 222-24-010 Policy-road construction, 222-24-020 Road location and design, 222-24-030 Road construction, 222-24-035 Landing location and construction, 222-24-040 Water crossing structures, 222-24-050 Road maintenance, 222-24-060 Rock quarries, etc., 222-30-010 Policy-timber harvesting, 222-30-020 Harvest unit planning and design, 222-30-070 Tractor and wheeled skidding systems, 222-38-020 Handling, storage, and aerial application of pesticides, 222-38-030 Handling, storage, and aerial application of fertilizers, 222-46-060 Civil penalties, and 222-46-065 Base penalty schedule.

New sections added: WAC 222-10-020 SEPA policies for certain forest practices within 200 feet of a Type S water, 222-10-030 Class IV-Special construction of roads, landings,

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rock quarries, gravel pits, borrow pits, and spoil disposal areas or timber harvest on unstable landforms or slide prone areas SEPA policies, 222-12-044 Cooperative opportunities, 222-20-015 Multi-year permits, 222-22-035 Watershed screening, 222-22-065 Review of assessments, 222-22-075 Monitoring, 222-22-076 Restoration, and 222-46-055 Compensation for resource damages.

Reasons Supporting Proposal: Modifications to rules are needed to better protect Washington's public resources. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1412; Implementation and Enforcement: Catherine Elliott, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1041.

Name of Proponent: Forest Practices Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule:

- Revises the water typing system used to identify fish-bearing and nonfish-bearing streams so that more adequate protection is provided for fish habitat.
- Provides a five-year forest practices permit for landowners who have completed watershed analysis or who have submitted an application for a road maintenance and abandonment plan that will take longer than two years to implement.
- Adds shorelines of the state to the Class IV-Special list and gives SEPA guidance for the applicant to follow.

- Expands the Class IV-Special SEPA trigger for unstable slopes, gives SEPA guidance, and adds twenty-four definitions related to unstable slopes.
- Revises riparian management zone requirements for eastern and western Washington, and includes options for possible buffer widths.
- Presents options for variable buffer widths for aerial application of pesticides and adds best management practices to the Forest Practices Board manual.
- Adds best management practices related to roads to the FPB manual; revises requirements for road location and design, relief drainage structures, water crossing structures, and road maintenance and abandonment.
- Makes watershed analysis a more public process; allows DNR to write the prescriptions if the prescription team does not reach consensus; requires a prescription monitoring plan.
- Enables DNR to develop a schedule of penalties for compensation of resource damages where there has been material damage to public resources; adds a base penalty of \$10,000 for operating without an approved forest practices permit.
- Expands adaptive management requirements by formally establishing the cooperative monitoring, evaluation, and research (CMER) committee of TFW and charging them with implementing adaptive management based on scientific findings; encourages cooperative opportunities for working with the board.

The anticipated effects for these rules include improved water quality and fish habitat, as well as better overall protection of public resources while maintaining a viable forest products industry.

Proposal Changes the Following Existing Rules:

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Adaptive Management	08-035, 12-044, 12-045		Expands adaptive management by spelling out CMER's reporting responsibilities and its relationship to the board. Adds a new section on cooperative opportunities.
FPB Manual	12-090		Adds guidelines for roads, aerial applications of pesticides, channel disturbance zones.
Definitions	16-010		Adds thirty-six definitions: Twenty-four for unstable slopes; others for roads, RMZ, pesticides.
Water Typing	16-030	Types 1 through 5 waters	New water typing system provides three categories: S=shorelines; F=fish-habitat waters; N=nonfish-habitat waters; fish habitat is defined.
Class IV-Special & SEPA Guidance	16-050, 10-020, 10-030	9 categories listed for Class IV-Special designation	Adds certain fp operations w/in two hundred feet of a Type S water to the IV-Special list; changes how roads and harvesting on unstable slopes are triggered - focuses on high and moderate hazard areas; new SEPA guidance sections written for shorelines and unstable slopes.

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A copy of the statement may be obtained by writing to Forest Practices Board Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 90504[98504]-7012, phone (360) 902-1413, fax (360) 902-1730, e-mail forest.practices-board@wadnr.gov.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Some of the sections proposed are significant legislative rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on October 25, 2000, at 3 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by October 1, 2000, TTY (360) 902-1125.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, fax (360) 902-1789, by October 26, 2000.

Date of Intended Adoption: April 11, 2001. See Purpose above.

April 3, 2000

John P. Daly

Chair

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-09 issue of the Register.

**WSR 00-08-104**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**

[Filed April 5, 2000, 10:31 a.m.]

Original Notice.

Title of Rule: New chapter in Title 222 WAC: Chapter 222-21 WAC, Small forest landowner forestry riparian easement program.

Purpose: To establish the small forest landowner office in the Department of Natural Resources and administer the forest riparian easement program.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 34.05.090, 76.09.040, [76.09.]050, [76.09.]055, 76.13.110, [76.13.]120.

Statute Being Implemented: Chapters 76.09, 76.13 RCW, RCW 76.46.300.

Summary: The legislature has authorized the board to adopt rules to implement the forestry riparian easement program, RCW 76.13.120(9). This chapter is being added to the board's emergency rules published under WSR 00-06-036. New sections WAC 222-21-005 Policy, 222-21-010 Definitions, 222-21-020 Criteria for accepting riparian easement, 222-21-030 Document standards, 222-21-035 Description of easement, 222-21-040 Timber cruises, 222-21-045 Valuation, 222-21-050 Payment of compensation, 222-21-060 Commercially reasonable harvest, 222-21-065 Uneconomic to harvest, 222-21-070 Blowdown and salvage, 222-21-080 Eminent domain and 222-21-090 Internal department of natural resources review of small forest landowner office compensation decisions; and amendatory sections WAC 222-12-

020 Regulation sections and 222-12-090 Forest practices board manual.

Reasons Supporting Proposal: The legislature has found that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state (RCW 76.13.120(1)).

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1412; Implementation and Enforcement: Catherine Elliott, 1111 Washington Street S.E., Olympia, WA 98504-7012, (360) 902-1041.

Name of Proponent: Forest Practices Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules implement those portions of the Salmon Recovery Act (ESHB 2091) pertaining to small forest landowners. The rules establish the forestry riparian easement program, as outlined in the statute. They also include the official easement document form to be executed between the department and the landowner.

The Anticipated Effects for These Rules: The rules provide standards and methods for these landowners to receive partial compensation, subject to available funding, for trees they are required to leave in riparian areas.

Proposal Changes the Following Existing Rules: A new chapter is added to Title 222 WAC that includes a policy statement of legislative intent, definitions, easement criteria and standards, timber cruises and valuation of timber, and other standards for the program. Two existing sections are amended to explain the organization of the rules and to identify guidelines for implementing the program. The guidelines will be provided in a new section of the forest practices board manual.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required per RCW 76.09.055(2).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not required per RCW 76.09.055(2).

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on May 9, 2000, at 3 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by May 1, 2000, TTY (360) 902-1125.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, fax (360) 902-1789, by May 9, 2000, at 5 p.m.

Date of Intended Adoption: May 10, 2000.

April 3, 2000

John Daly

Chair

PROPOSED

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-12-020 Regulation sections.** These regulations are organized as follows:

Chapter 222-08 WAC	Practices and procedures.
Chapter 222-10 WAC	State Environmental Policy Act Guidelines.
Chapter 222-12 WAC	Policy and organization.
Chapter 222-16 WAC	Definitions.
Chapter 222-20 WAC	Application and notification procedures.
<u>Chapter 222-21 WAC</u>	<u>Small forest landowner forestry riparian easement program.</u>
Chapter 222-22 WAC	Watershed analysis.
Chapter 222-24 WAC	Road construction and maintenance.
Chapter 222-30 WAC	Timber harvesting.
Chapter 222-34 WAC	Reforestation.
Chapter 222-38 WAC	Forest chemicals.
Chapter 222-42 WAC	Supplemental directives.
Chapter 222-46 WAC	Consultation and enforcement.
Chapter 222-50 WAC	Relationship to other laws and regulations.

**AMENDATORY SECTION** (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

**WAC 222-12-090 Forest practices board manual.** When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring ~~((channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030))~~ **physical parameters of streams and channel migration zones.**

(3) ~~((A chart for establishing recommended permanent culvert sizes and associated data.))~~ **Guidelines for forest roads.**

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for ~~((calculating average widths of))~~ riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) **Guidelines for forest chemicals.**

(a) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(b) **Guidelines for aerial applications of pesticides and other forest chemicals under chapter 222-38 WAC.**

(13) **Guidelines for determining fish use for the purpose of typing waters under WAC 222-16-030.**

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand. Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

(16) **Guidelines for evaluating potentially unstable slopes and landforms.**

(17) **Guidelines for the small forest landowner forestry riparian easement program.**

## Chapter 222-21 WAC

### SMALL FOREST LANDOWNER FORESTRY RIPARIAN EASEMENT PROGRAM

#### NEW SECTION

**WAC 222-21-005 Policy.** The legislature has found that further reduction in harvestable timber owned by small forest landowners as a result of the rules adopted under RCW 76.09.055 or 76.09.370 will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of

habitat available for salmon recovery and conservation of other aquatic resources. The legislature addressed these concerns by establishing a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

#### NEW SECTION

**WAC 222-21-010 Definitions.** The following definitions apply to this chapter:

(1) "**Commercially reasonable harvest unit**" means a harvest area that meets the requirements of WAC 222-21-060.

(2) "**Completion of harvest**" means that the trees have been harvested from an area under an approved forest practices application and that further entry into that area by any type of logging or slash treating equipment or method is not expected.

(3) "**Danger tree**" means any tree reasonably perceived to pose an imminent danger to life or improved property.

(4) "**Easement premises**" means the geographic area designated in a forestry riparian easement, including the areas in which qualifying timber is located. Easement premises may be categorized as follows:

(a) **Riparian area easement premises** means riparian areas and areas upon which qualifying timber associated with riparian areas are located.

(b) **Other easement premises** means areas of land required to be left unharvested under rules adopted under RCW 76.09.055 or 76.09.370 including areas upon which other qualifying timber outside riparian areas is located and areas of land upon which uneconomic qualifying timber is located.

(5) "**Forestry riparian easement**" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(6) "**High impact regulatory threshold**" means the threshold where the value of qualifying timber is greater than 26% (for timber in Western Washington) or 17% (for timber in Eastern Washington) of the value of the harvest under the approved forest practices application covering the qualifying timber. This threshold will be revised after preparation of the final small business economic impact statement (SBEIS) prepared under chapter 19.85 RCW.

(7) "**Qualifying timber**" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under rules adopted under RCW 76.09.055 or 76.09.370 or that are made uneconomic to harvest by those rules, and for which the small forest landowner is willing to grant the state a forestry riparian easement. Qualifying timber is timber within or bordering a commercially reasonable harvest unit. Qualifying timber is categorized as follows:

(a) **Permanent qualifying timber** includes trees that shall not be harvested or damaged or removed from the easement premises during the term of the easement.

(i) Where permanent qualifying timber is in areas in which no harvest may take place, the easement shall describe

the boundaries of the areas. No harvest of any tree within this area shall take place during the term of the easement.

(ii) Where permanent qualifying timber is located in areas in which selective harvest may take place, the permanent qualifying timber must be permanently tagged.

(b) **Reserve qualifying timber** includes trees that may be harvested and removed but only in compliance with the terms of the easement. Reserve qualifying timber shall be identified separately from the permanent qualifying timber.

(c) **Replacement qualifying timber** includes trees which, in the future, will be substituted for the reserve qualifying timber before the reserve qualifying timber may be harvested or removed from the property. Replacement qualifying timber will be selected from time to time pursuant to the provisions of the easement and will be subject to the terms and protections of the easement.

(d) **Uneconomic qualifying timber** includes trees made uneconomical to harvest. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(e) **Other qualifying timber outside riparian areas** includes trees that may not be harvested under forest practices rules adopted under RCW 76.09.055 or 76.09.370 for reasons other than protection of riparian functions. It includes without limitation trees that are unharvestable because of public safety concerns. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(8) "**Riparian areas**" include the areas designated in a forestry riparian easement. Riparian areas include without limitation all riparian and other special management zones required by the forest practices rules for protection of aquatic resources and includes associated qualifying timber.

(9) "**Riparian function**" includes without limitation bank stability, recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features important to both riparian forest and aquatic systems conditions.

(10) "**Small forest landowner**" means a forest landowner meeting all of the characteristics in (a) of this subsection unless any of the exceptions in (b) of this subsection are met.

(a) As of the date a forest practices application is received for which the forestry riparian easement is associated, the forest landowner:

(i) Is an individual, partnership, corporate, or other non-governmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section;

(ii) Has a fee interest in the land and timber or has rights to harvest the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is received;

(iii) Has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the forest landowner as a small timber harvester under RCW 84.33.073(1); and

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(iv) Certifies at the time the forest practices application is received that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following receipt of the application.

(b) At the time the forest practices application is received, a forest landowner whose prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or who expects to exceed this limit during the ten years following receipt of the forest practices application, may still qualify as a small forest landowner if that landowner establishes to the small forest landowner office's reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses. (Note: The small forest landowner office will establish a board manual governing these exceptions.)

(11) "**Small forest landowner office**" is an office within the department described in RCW 76.13.110.

(12) "**Uneconomic to harvest**" means that a harvest area meets the requirements of WAC 222-21-065.

#### NEW SECTION

**WAC 222-21-020 Criteria for accepting riparian easement.** (1) All of the following criteria must be met before the small forest landowner office may acquire a forestry riparian easement:

(a) The easements must include qualifying timber within riparian areas and may include other qualifying timber;

(b) The small forest landowner must be willing to sell or donate such easements to the state;

(c) The small forest landowner has a final, approved forest practices application including qualifying timber on the easement premises;

(d) The small forest landowner office has received an application for a forestry riparian easement;

(e) The small forest landowner has provided a litigation guarantee or similar report from a title company for the property;

(f) Acceptable documents necessary for creation of the easement have been prepared; and

(g) The easement is not subject to unacceptable liabilities in subsection (3) of this section.

(2) Where more than one person has an interest in property to be covered by a forestry riparian easement, all persons holding rights to control or affect the easement premises, qualifying timber, and the riparian functions provided by the qualifying timber during the term of the easement must execute the easement documents or otherwise subordinate their interest to the easement interest being acquired by the state. This includes tenants in common, joint tenants, holder of reversionary interests, lien holders, and mortgages.

(3) Unacceptable liabilities for the state include, but are not limited to, the following:

(a) Potential liability exposure due to the presence of hazardous substances;

(b) Where the department does not have satisfactory access to the easement premises;

(c) Existing uses of the property that may jeopardize the protection of the easement premises, qualifying timber, and riparian functions;

(d) Any other liability where the liability may jeopardize the protection of the easement premises, qualifying timber, and its riparian functions.

#### NEW SECTION

**WAC 222-21-030 Document standards.** (1) **Riparian easement.** The riparian easement document must be substantially in the following form, but may be modified by the small forest landowner office wherever necessary to accomplish the purposes of RCW 76.13.120.

*(This version assumes ownership of land and trees)*

#### FORESTRY RIPARIAN EASEMENT

THIS GRANT OF A FORESTRY RIPARIAN EASEMENT is made on this \_\_\_\_ day of \_\_\_\_, 20\_\_, by \_\_\_\_\_ [a \_\_\_\_\_ corporation, limited liability company, partnership, limited partnership, limited liability partnership] [husband and wife] [individual][or others as appropriate] having an address at \_\_\_\_\_ ("Grantor"), to and in favor of the State of Washington, acting by and through the Department of Natural Resources ("Grantee").

#### 1.0 RECITALS AND PURPOSE

**1.1** This Easement is intended to implement the goals of the Forest Practices Salmon Recovery Act, ESHB 2091, sections 501 through 504, chapter 4, Laws of 1999 ("Salmon Recovery Act"). The goals include establishment of a comprehensive, coordinated state-wide program for protection and enhancement of Riparian Functions; and compensation for small forest landowners who are impacted by forest practices rules adopted under the Salmon Recovery Act.

**1.2** This Easement is intended to protect the Qualifying Timber and the Riparian Functions associated with the qualifying timber located on the Easement Premises as provided by the terms of this Easement while preserving all lawful uses of the Property by Grantor consistent with the Easement objectives, and to provide Grantee with the ability to enforce the terms thereof.

1.3 Grantor and Grantee agree that the Easement Premises and Qualifying Timber, and the Property upon which both are located, are as described in **Exhibit A**; that the encumbrances are as set forth in **Exhibit B**; that all Exhibits referenced herein and attachments thereto are incorporated into this Easement as part of this Easement; and that the Grantor wishes to execute this Forestry Riparian Easement.

**2.0 CONVEYANCE AND CONSIDERATION**

2.1 In consideration of the mutual covenants contained herein, including without limitation the monetary consideration set forth in subsection 2.2 below, the Grantor does hereby voluntarily warrant and convey to the Grantee a Forestry Riparian Easement under the Salmon Recovery Act, which Easement shall remain in full force and effect from the date hereof until it expires on \_\_\_\_\_, 2\_\_\_\_ [*50 years from the date the complete and accurate forest practices application is submitted*], which Easement shall consist of the rights and restrictions expressly set forth herein.

2.2 In consideration of this Easement, Grantee shall pay to Grantor the sum of \_\_\_\_\_ dollars (\$\_\_\_\_.00).

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

\_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_

GRANTEE:

State of Washington

By and Through the Department of  
Natural Resources

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Title)

**EXHIBIT A**

**A1 LEGAL DESCRIPTION OF PROPERTY**

The Grantor is the owner [*specific kinds of ownership interest*] of certain real property and timber thereon located in \_\_\_\_\_ County, Washington. The legal description of the Property is as follows:

The parties agree that the legal description of the Property is documented in Attachment A-1.

**A2 DESCRIPTION AND LOCATION OF QUALIFYING TIMBER**

The Qualifying Timber includes the following categories and is more particularly described in Attachment A-2.

PROPOSED

*[List the categories relevant to particular Easement, i.e., Permanent, Reserve, Replacement, Uneconomic, or Other Qualifying Timber, and their locations.]*

### **A3 DESCRIPTION AND LOCATION OF EASEMENT PREMISES**

The Easement Premises includes the following categories which are more particularly described in Attachment A-3. The Easement Premises covers only that portion of the property covered in Attachment A-3.

*[List the categories relevant to particular Easement, i.e., Riparian Area and Other Easement Premises, where applicable, and document their locations.]*

*(NOTE: The language in this exhibit is under review to clarify that only the Easement Premises portion of the Property will be affected when recorded.)*

### **A4 BASELINE IDENTIFICATION, DESCRIPTION AND DOCUMENTATION OF PROPERTY, EASEMENT PREMISES AND QUALIFYING TIMBER**

The parties agree that the current use of the Property; the current use, condition, and Riparian Function on the Easement Premises and the condition of the Qualifying Timber are documented in the inventory of their relevant features and identified in Attachment A-4 ("Baseline Documentation"), and that this documentation provides, collectively, an accurate representation at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

## **EXHIBIT B**

### **FORESTRY RIPARIAN EASEMENT TERMS AND CONDITIONS**

#### **B1 DEFINITIONS**

The terms used in this Easement, including without limitation the following, are defined by the forest practices rules incorporated in Attachment B-1 to this Exhibit.

**"Danger Tree"**

**"Easement Premises"**

**"Qualifying Timber"**

**"Riparian Areas"**

**"Riparian Function"**

#### **B2 RIGHTS OF GRANTEE \*\*[Subsection B2.4 should be included only for multiple entry Easements.]\*\***

To accomplish the purposes of this Easement, the following rights are conveyed to Grantee by this Easement:

**B2.1** To enforce the terms of this Easement as provided in subsection **B9**.

**B2.2** To enter upon the Easement Premises, or to allow Grantee's agents or any experts consulted by Grantee in exercising its rights under this Easement to enter upon the Easement Premises in order to monitor Grantor's compliance with this Easement, and to otherwise enforce the terms of this Easement.

**B2.3** To convey, assign, or otherwise transfer Grantee's interests herein to another agency of the State of Washington, as provided for and limited by Section 504 of the Salmon Recovery Act.

**B2.4** Where harvest of Reserve Qualifying Timber is allowed during the term of this Easement, to approve Replacement Qualifying Timber that will be protected by this Easement as provided in subsection **B3.6**.

**B3 RESTRICTIONS ON GRANTOR** *\*\*[Subsection B3.6 should be included only for multiple entry Easements.]\*\**

### **B3.1 Inconsistent Uses**

Any use of, or activity on, the Easement Premises inconsistent with the purposes and terms of this Easement is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in, or permit any such use or activity.

### **B3.2 Riparian Easement Premises**

Grantor shall not use the Easement Premises inconsistent with the purposes and terms of this Easement, including without limitation converting to a use incompatible with growing timber.

### **B3.3 Property Outside the Easement Premises**

Grantor may change to any lawful use. Grantor shall provide Grantee sixty (60) days notice prior to changing the use of the Property as a courtesy to Grantee.

### **B3.4 Qualifying Timber**

Grantor shall not engage in any activity which would impair or threaten to impair the condition or health of the Qualifying Timber, including without limitation cutting or harvesting such timber or causing the removal of that timber from the Easement Premises, except as provided in this Easement. The parties further agree that use, harvest, and treatment of the Qualifying Timber are restricted according to the forest practices rules in Attachment B-1.

### **B3.5 Danger Trees and Salvage on or near the Easement Premises**

Grantor may cut a Danger Tree, which shall be left in place or moved inside the Easement Premises. Grantor shall notify DNR within seven (7) days that a Danger Tree has been felled. Grantor shall not engage in any activities pertaining to salvage of Qualifying Timber including without limitation blowdown except as provided for in the forest practices rules.

### **B3.6 Harvest of Reserve Qualifying Timber and Designation of Replacement Qualifying Timber on Riparian Area Easement Premises**

Grantor shall not, during the term of this Easement, harvest or remove any Reserve Qualifying Timber except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of Reserve Qualifying Timber, except that where a permit or approval is required from any governmental entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark Reserve Qualifying Timber and Replacement Qualifying Timber, where

Replacement Qualifying Timber is required, for review by Grantee. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest and remove the Reserve Qualifying Timber. If Grantee does object and gives Grantor written notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest or remove Reserve Qualifying Timber until the objection is resolved. If Reserve Qualifying Timber is to be removed but Replacement Qualifying Timber is required to be left standing for the balance of the term of this Easement, then Grantor shall mark the Replacement Qualifying Timber and, if approved by Grantee, such Timber shall be considered Qualifying Timber under this Easement. A new Exhibit A shall be prepared along with a supplement to this Easement, executed by Grantor and Grantee, and recorded. Grantor's thirty (30) days written notice to Grantee required in this subsection is considered effective only after both Reserve Qualifying Timber and Replacement Qualifying Timber are marked.

#### **B4 RESERVED RIGHTS**

Other than specifically provided herein, Grantor is not restricted in its use of the Easement Premises.

#### **B5 PUBLIC ACCESS**

No right of public access to or across, or any public use of, the Property is conveyed by this Easement.

#### **B6 COSTS, LIABILITIES, TAXES, AND INDEMNIFICATION**

##### **B6.1 Costs, Legal Requirements, and General Liabilities**

Except as is expressly placed on Grantee herein, Grantor retains full responsibility for the Qualifying Timber and Easement Premises. Grantor shall keep the Qualifying Timber and Easement Premises free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor remains responsible for obtaining all permits required by law.

##### **B6.2 Taxes and Obligations**

Grantor shall be responsible for payment of taxes or other assessments imposed on the Easement Premises or the Qualifying Timber. Grantor shall furnish Grantee with satisfactory evidence of payment upon request.

##### **B6.3 Hold Harmless**

###### **B6.3.a Grantor**

Grantor hereby releases and agrees to hold harmless, indemnify, and defend Grantee and its employees, agents, and assigns ("Indemnified Parties") from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantor; (b) a breach by Grantor of its obligations under subsection B3; (c) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law or requirement by Grantor in any way affecting, involving, or relating to the Easement Premises or the Qualifying Timber; (d) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantor.

**B6.3.b Grantee**

To the extent permitted by law, Grantee hereby releases and agrees to hold harmless, indemnify and defend Grantor and its employees, agents, and assigns ("Indemnified Parties") from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantee; or (b) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantee.

**B7 SUBSEQUENT TRANSFERS****B7.1 Grantee**

Grantee may assign, convey, or otherwise transfer its interest as evidenced in this Easement, but only to another agency of the State of Washington under any circumstances in which it determines, in its sole discretion, that such transfer is in the best interests of the state. Grantee shall give written notice to Grantor of the same within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

**B7.2 Grantor**

Grantor may assign, convey, or otherwise transfer without restriction its interest in the Easement Premises or the Qualifying Timber identified in Exhibit A hereto. Grantor agrees to incorporate the restrictions of the Easement in any deed or other legal instrument by which Grantor divests itself of all or a portion of its interests in the Easement Premises or Qualifying Timber. Grantor shall give written notice to the Grantee of the assignment, conveyance, or other transfer of all or a portion of its interest in the Easement Premises or the Qualifying Timber within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

**B7.3 Termination of Grantor's Rights and Obligations**

The Grantor's personal rights and obligations under this Easement terminate upon transfer of the Grantor's interest in the Property or the Qualifying Timber, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

**B8 DISPUTE RESOLUTION**

The parties may at any time by mutual agreement use any nonbinding alternative dispute resolution mechanism with a qualified third party acceptable to Grantor and Grantee. Grantor and Grantee shall share equally the costs charged by the third party. The existence of a dispute between the parties with respect to this Easement, including without limitation the belief by one party that the other party is in breach of its obligations hereunder, shall not excuse either party from continuing to fully perform its obligations under this Easement. The dispute resolution provided for in this subsection is optional, not obligatory, and shall not be required as a condition precedent to any remedies for enforcement of this Easement.

**B9 ENFORCEMENT****B9.1 Remedies**

Either party may bring any action in law or in equity in the superior court for the county in which the Easement Premises are located or in Thurston County to enforce any provision of this Easement, including without limitation, injunctive relief (permanent, temporary, or ex parte, as appropriate) to prohibit a breach of this Easement, enforce the rights and obligations of this Easement, restore or mitigate Riparian Functions and Qualifying Timber, and/or an action for damages. If Qualifying Timber has been removed from the Easement Premises in violation of this Easement, Grantee shall be entitled to damages, mitigation, or restoration. Damages for removal of Qualifying Timber from the Easement Premises in violation of the terms of this Easement shall be up to half the triple stumpage value plus the maximum interest allowable by law for the Timber removed. Restoration of Qualifying Timber may include either replanting trees or designation of replacement trees of the size and species acceptable to Grantee, whichever method is determined by Grantee, in its sole discretion, to be appropriate. If Qualifying Timber or Riparian Functions are harmed, Grantee shall be entitled to restoration by the Grantor. The remedies provided herein shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to injunctive relief, both prohibitive and mandatory, in addition to other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies. The rights under this subsection shall apply equally in the event of either actual or threatened violations of the terms of this Easement.

**B9.2 Costs of Enforcement**

The costs, including reasonable attorneys' fees, of enforcing this Easement shall be borne by Grantor unless Grantor prevails in any action to enforce the terms of this Easement, in which case costs shall be borne by Grantee.

**B9.3 Forbearance/Waiver**

Enforcement of this Easement against the Grantor is at the sole discretion of the Grantee, and vice versa. Any forbearance by either party to exercise its rights hereunder in the event of a breach by the other party shall not be deemed a waiver by the forbearing party of the term being breached or of a subsequent breach of that term or any other term or of any other of the forbearing party's rights under this Easement.

**B9.4 Waiver of Certain Defenses**

Grantor hereby waives any defense of laches, estoppel, or prescription.

**B9.5 Acts Beyond Grantor's Control**

Nothing herein shall be construed to entitle Grantee to bring any action or claim against Grantor on account of any change in the condition of the Easement Premises or of the Qualifying Timber that was not within Grantor's control, including without limitation fire, flood, storms, insect and disease outbreaks, earth movement, or acts of trespassers, that Grantor could not reasonably have anticipated and prevented, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Premises or Qualifying Timber resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

**B10 CONSTRUCTION AND INTERPRETATION****B10.1 Controlling Law**

Interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

**B10.2 Liberal Construction**

Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. The parties acknowledge that each has had an opportunity to have this Easement reviewed by an attorney and agree that the terms shall not be presumptively construed against either party.

**B10.3 Captions**

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

**B11 AMENDMENT**

This Easement may be jointly amended. The amendments shall be in writing and signed by authorized representatives. Grantee shall record any such amendments in timely fashion in the official records of \_\_\_\_\_ County, Washington. All amendments shall be consistent with the purposes of this Easement.

**B12 TERMINATION**

Grantee may unilaterally terminate this Easement if it determines, in its sole discretion, that termination is in the best interests of the State of Washington. Grantee shall provide thirty (30) days written notice to Grantor of such termination. Compensation due Grantee, if any, shall be in accordance with the forest practices rules or other applicable law in effect at the time of the termination.

**B13 EXTINGUISHMENT**

If circumstances arise that render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, in whole or in part, by mutual agreement of the parties or through judicial proceedings brought by one of the parties. Grantee shall be entitled to the value of the Easement as such value is determined pursuant to forest practices rules governing extinguishment. If there are no forest practices rules governing extinguishment, Grantee shall be entitled to the value of the Easement, or proportionate part thereof, which would have remained had the Easement continued as of the date the Easement is extinguished.

**B14 CONDEMNATION**

If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, Grantee shall be entitled to compensation in accordance with the forest practices rules.

**B15 NOTICE**

Notices given pursuant or in relation to this Easement shall be in writing and delivered personally or by first class mail (postage pre-paid), addressed as follows:

(a) If to Grantor:

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(b) If to Grantee:

Washington State Department of Natural Resources  
 Small Forest Landowner Office  
 DNR-Forest Practices Division  
 P.O. Box 47012  
 Olympia, WA 98504-7012

If either party's address changes during the term of this Easement, that party shall notify the other party of the change.

Any notice required to be given hereunder is considered as being received: (i) If delivery in person, upon personal receipt by the person to whom it is being given; or (ii) if delivered by first class U.S. mail and properly addressed, three (3) days after deposit into the U.S. mail; or (iii) if sent by U.S. mail registered or certified, upon the date receipt is acknowledged by the recipient.

**B16 RECORDATION**

Grantee shall record this instrument in timely fashion in the official records of \_\_\_\_\_ County, Washington and may re-record it at any time as may be required to preserve its rights in this Easement.

**B17 GENERAL PROVISIONS**

**B17.1 Severability**

If any provision in this Easement, or the application hereof to any person or circumstance, is found to be invalid, the remainder of this Easement, or the application hereof to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

**B17.2 Entire Agreement**

This instrument sets forth the entire agreement of the parties with respect to the Easement. This instrument supersedes all other and prior discussions, negotiations, understandings, or agreements of the parties. No alteration or variation of this instrument shall be binding unless set forth in an amendment to this instrument consistent with subsection B11.

PROPOSED

### B17.3 Successors and Assigns

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective successors and assigns and shall continue as a servitude running with the Property for the term of this Easement set forth in subsection 2.1.

### B17.4 No Forfeiture

Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

### B17.5 Counterparts

The parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by both parties. Each counterpart shall be deemed an original as against the party that has signed it. In the event of any discrepancy between counterparts produced, the recorded counterpart shall be controlling.

### B17.6 References to Statutes and Rules

Except as otherwise specifically provided, any references in this Easement to any statute or rule shall be deemed to be a reference to such statute or rule in existence at the time the action is taken or the event occurs.

### B17.7 Adherence to Applicable Law

Any activity pertaining to or use of the Easement Premises or Qualifying Timber shall be consistent with applicable federal, state, or local law including chapter 76.09 RCW, the Forest Practices Act, chapter 36.70A RCW, the Growth Management Act, chapter 90.58 RCW, the Shoreline Management Act, chapter 75.20 RCW, Construction Projects in State Waters Act ("Hydraulics Code"), the Endangered Species Act (16 U.S.C. Sec. 1531, et seq.), and the Clean Water Act (33 U.S.C. Sec. 1251, et seq.), and rules and regulations adopted pursuant to these statutes (including all rules adopted under Section 4(d) of the Endangered Species Act).

(2) **Forestry riparian easement application.** The following items are required for a complete forestry riparian easement application:

- (a) A certification by the small forest landowner that he or she meets the qualifications of a small forest landowner;
- (b) The small forest landowners' timber tax identification number and permission to access harvest information at the department of revenue;
- (c) All forest practices application numbers for the commercially reasonable harvest units and the associated qualifying timber on the property;
- (d) The dates and areas of all planned future harvest entries on the easement premises;
- (e) A preliminary litigation guarantee or similar report from a title company for the tax parcels that contain the easement premises;
- (f) A description of past and current uses of the easement premises;
- (g) Any information not specifically listed that the small forest landowner office needs to evaluate the easement and eligibility of the small forest landowner.

(3) **Baseline documentation.** The baseline documentation must describe the features and current uses on the easement premises and the qualifying timber. The information provided by the small forest landowner in subsection (2) of

this section is considered part of the baseline documentation. In addition, the department will provide documentation that includes, but is not limited to:

- (a) Cruise information consistent with the standards and methods in WAC 222-21-040;
- (b) An assessment to determine site condition and potential liabilities associated with the proposed riparian easement (see the board manual on procedures for conducting assessment); and
- (c) A description of the easement consistent with WAC 222-21-035.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

### NEW SECTION

**WAC 222-21-035 Description of easement.** The easement premises and qualifying timber must be described as follows:

- (1) Range, township, section, and parcel number;
- (2) Forest practice base map of proposed harvest, other forest practice activities and easement;
- (3) 1:400 map of the easement premises indexed either to 1 legal land survey point or 2 geospatial system points; and

(4) Traverse of the easement premises tied to subsection (3) of this section. (See the board manual for standards of traverse.)

**NEW SECTION**

**WAC 222-21-040 Timber cruises.** (1) This section is designed to establish methods and standards for cruises of qualifying timber for the proposed forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The following standards will be used for the timber cruises:

(a) The purpose of the timber cruise is to determine the volume by species and grade sufficient to value the qualifying timber.

(b) Additional trees left voluntarily by the small forest landowner may be noted, but are not included in the cruise volume.

(c) The cruise method will be a 100 percent inventory of qualifying timber on the proposed easement premises. The inventory will include species, diameter class, grade, and any other information necessary to determine valuation of the easement. (See the board manual for specific cruise standards.)

(d) A sampling cruise method may be used for easement premises under certain circumstances. (See the board manual for standards for sampling cruise method.)

**NEW SECTION**

**WAC 222-21-045 Valuation.** (1) This section is designed to establish methods and standards for valuation of forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The small forest landowner office will calculate the fair market value of the forestry riparian easement as of the date of receipt of the forest practices application associated with the qualifying timber. Data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091 will be used and adjusted to the date of receipt of the forest practices application associated with the qualifying timber. The small forest landowner must indicate whether valuation will be calculated using method (a) or (b) below. In either, the time adjustment index will be based on log price changes. The small forest landowner office will determine the specific log species and/or sorts and the log price reporting service to use after consultation with the small forest landowner advisory committee established under RCW 76.13.110(4) and the department of revenue. The small forest landowner office will generate an index monthly that reflects the time adjustments using information and data obtained from the department of revenue.

(a) **Tax reporting and stumpage value determination table.** The small forest landowner office will use the department of revenue stumpage value tables to determine stumpage value and the time adjustment index to adjust the values forward to the date of receipt of the forest practices application. The landowner must provide the small forest landowner office with:

(i) The reference for the applicable tax reporting stumpage value table and any other needed information for use of the table (see the board manual for details) or the report for the harvest from the department of revenue; and

(ii) Any information the small forest landowner would like the department to consider in its cruise of the qualifying timber.

(b) **Small harvester tax return.** The landowner must provide mill or buyer information to the department on the sale breakdown. This includes:

(i) The volume and scaling bureau log grades of each species harvested;

(ii) The amount received for each species; and

(iii) The actual harvesting and marketing costs as defined in the department of revenue small harvester instructions.

The price received for the timber is adjusted to the date of receipt of the forest practices application using the time adjustment index. The value of the qualifying timber is determined by adjusting the price for the average logging cost determined from the department of revenue small harvester forest excise tax return. A residual value approach is used to determine the value of species in the easement which are not present in the harvest area. The initial log prices are based on the price report that corresponds to the date of the forest practices application.

(3) **Reduced valuation.**

(a) For an easement that allows one or more harvests of qualifying timber during the term of the easement, a reduced valuation rate will be applied to the values obtained using either method in subsection (2) of this section. The reduced rate adjusts the values for reserve and replacement qualifying timber. The rate is based on the proportionate economic value lost to the small forest landowner from the regulatory requirements and adjusted for future harvest options during the term of the easement.

(b) The value of the qualifying timber that may be harvested during the term of the easement will be reduced based on the following formula:

$$\text{Reduced valuation rate} = \frac{1 - \frac{1}{(1+i)^N}}{1 - \frac{1}{(1+i)^{50}}}$$

PROPOSED

Where:

- I — is the rate of return on 30 year treasury bills, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all Urban Consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12 months less the anticipated rate of growth expected on the portion of the easement subject to reentry, but not less than zero or greater than 6 percent.
- N — is the number of years when the landowner is scheduled to re-enter the property.

(c) The reduced rate will not be applied to the department of revenue tax data values if the landowner does not intend to re-enter the easement area during the length of the 50 year easement.

(d) The small forest landowner advisory committee will review the option for multiple payments during the permanent rule process.

**NEW SECTION**

**WAC 222-21-050 Payment of compensation.** (1) The compensation offered to the small forest landowner will be 50% of the fair market value of the qualifying timber established under the process described in WAC 222-21-045, subject to the following exceptions:

(a) If the high impact regulatory threshold is exceeded for an area covered by an approved forest practices application, then the compensation offered will be increased to 100% for the value of the qualifying timber where the high impact regulatory threshold is exceeded. Use the following calculation:

$$\text{Compensation for easement} = (\text{HIE}\% * V) + (((100\% - \text{HIE}\%) / 2) * V)$$

Where:

$$\text{HIE} = V_q / TV * 100 - t;$$

$$TV = V_q + V_h;$$

$V_q$  = value of qualifying timber;

$V_h$  = value of harvested timber; and

$t$  = high impact regulatory threshold.

(b) All compensation is subject to available funding.

(2) If funding is not available, the small forest landowner office will maintain a priority list for compensation based on the date of receipt of forest practices applications covered by forestry riparian easement applications.

(3) The small forest landowner office will send the small forest landowner a notice of compensation decision within 60 days of completion of the timber cruise.

(4) Compensation will not be paid until:

(a) The department has documented completion of harvest;

(b) The department has verified that there has been compliance with the rules requiring leave trees in the easement area;

(c) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(d) The forestry riparian easement has been executed and delivered to the department.

**NEW SECTION**

**WAC 222-21-060 Commercially reasonable harvest.**

The small forest landowner office will use the following criteria to determine if an area covered by a forest practices application involves a commercially reasonable harvest. The proposed harvest must meet all of the following requirements:

(1) The harvest unit includes or borders a riparian area;

(2) The application is for a Class III or Class IV Special forest practice or a Class II that is a renewal of a Class III or Class IV Special;

(3) The harvest is not a Class IV General conversion or covered by a conversion option harvest plan;

(4) The landowner is not eligible for the 20 acre exemption under WAC 222-30-023;

(5) The value of the timber in the harvest unit, excluding qualifying timber, is equal to or exceeds the minimum required by department of revenue for taxing purposes (\$1000); and

(6) The taxable harvest equals or exceeds the value of the qualifying timber established under WAC 222-21-045, unless otherwise approved by the small forest landowner office. (See the board manual.)

**NEW SECTION**

**WAC 222-21-065 Uneconomic to harvest.** The small forest landowner office will use the following criteria to determine whether timber is qualifying timber because it is rendered uneconomic to harvest by rules adopted under RCW 76.09.055 or 76.09.370:

(1) The timber could have been included in a commercially reasonable harvest unit by the small forest landowner if there were no additional requirements imposed by rules adopted under RCW 76.09.055 or 76.09.370.

(2) The area is not reasonably accessible because of requirements imposed by rules adopted under RCW 76.09.-055 or 76.09.370.

(3) The unit must have no reasonable unit size alternative which if used would make the area economical to harvest.

(4) The cost to access the harvest unit plus the cost to harvest must equal or exceed 35% of the stumpage value in the portion of the unit considered to be uneconomic. The small forest landowner office will determine costs and values consistent with WAC 222-21-045. Costs include harvest, construction of nonpermanent roads and/or water crossing structures, and associated expenses.

PROPOSED

NEW SECTION

**WAC 222-21-070 Blowdown and salvage.** After execution of a forestry riparian easement, qualifying timber may not be salvaged, including removal of blowdown, without prior written permission from the department. Prior to removal, the small forest landowner office and the small forest landowner must negotiate the terms of removal and reimbursement to the state, if any. Qualifying timber that blows down off the easement premises that presents a nuisance may be moved back onto the easement premises without permission from the department.

NEW SECTION

**WAC 222-21-080 Eminent domain.** If a forestry riparian easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, the department and the small forest landowner will share any compensation based on the then present value of parties' relative interests in the qualifying timber. The state's proportional share will be calculated based on the following formula:

$$\text{State's share} = 1 - \frac{1}{(1+i)^R}$$

$$.5 \times \frac{\text{State's share}}{1 - \frac{1}{(1+i)^{50}}}$$

Where:

- I — is the rate of return on 30 year treasury bills, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all Urban Consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12 months, but not less than zero or greater than 6 percent;
- R — is the number of years remaining on the easement.

NEW SECTION

**WAC 222-21-090 Internal department of natural resources review of small forest landowner office compensation decisions.** Within 30 days after the date of the notice of compensation decision, the small forest landowner may submit a written request for review to the supervisor of the department or his or her designee. The request for review must identify the issue being raised and provide any supporting documentation. The supervisor will issue a written response within 30 days.

**WSR 00-08-105  
PROPOSED RULES  
CLOVER PARK  
TECHNICAL COLLEGE**

[Filed April 5, 2000, 10:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-028.

Title of Rule: Student conduct code and various technical amendments.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 28B.50.140(13).

Summary: Technical changes needed to reflect proper addresses and titles, bring rules up to date with legislative changes.

Reasons Supporting Proposal: The student conduct code is in need of an update to reflect the current issues that arise, expectations for students on campus, and clarify hearing procedures.

Name of Agency Personnel Responsible for Drafting and Implementation: Tony Robinson, 4500 Steilacoom Boulevard S.W., Lakewood, 98499, (253) 589-5845; and Enforcement: Sharon McGavick, 4500 Steilacoom Boulevard S.W., Lakewood, (253) 589-5500.

Name of Proponent: Clover Park Technical College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Other than technical changes to correct addresses and titles, the new rules reflect a revision in the college's student conduct code. The effect will be to clarify expected behavior of students and to set forth procedures for extending process due to students who are disciplined.

Proposal Changes the Following Existing Rules: The proposal changes existing rules in that it adds specific language describing conduct subject to discipline and clarifies administrative procedures for all who come into contact with the discipline system. It clarifies the handling of misconduct versus academic problems.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No economic impact statement was prepared because nothing in these rules will impose any costs on businesses in any industry.

RCW 34.05.328 does not apply to this rule adoption. By its terms, RCW 34.05.328 does not apply to this agency.

Hearing Location: Clover Park Technical College, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098, on May 10, 2000, at 4 p.m.

Assistance for Persons with Disabilities: Contact Chris Jones by May 8, 2000, (253) 589-5767.

Submit Written Comments to: Cherie Steele, Rules Coordinator, Clover Park Technical College, fax (253) 589-5851, by May 8, 2000.

PROPOSED

Date of Intended Adoption: May 10, 2000.

March 31, 2000  
 N. P. Robinson  
 Vice-President for  
 Operations and Facilities

Gig Harbor, WA 98335-0017

Clover Park Technical College  
Natural Resources Laboratory & Research Park  
4500 Block of Steilacoom Boulevard S.W.  
Lakewood, WA 98499-4098

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-134-010 Rules coordinator.** The rules coordinator for Clover Park Technical College (~~as designated by the president is~~) shall have an office located at the president's office, with the following mailing address:

~~((G. James Capelli Sr. Vice President))~~ Rules Coordinator  
 Clover Park Technical College  
 4500 Steilacoom Boulevard S.W.  
 ((Tacoma)) Lakewood, WA 98499-4098

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-133-020 Organization—Operation—Information.** (1) Organization. Clover Park Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

4500 Steilacoom Boulevard S.W.  
 ((Tacoma)) Lakewood, WA 98499-4098

The office hours as prescribed in the College Policy and Procedure(s) Manual are 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

~~((Woodbrook Vocational Site))~~ Fort Lewis Campus  
 14800 Murray Road S.W.  
 Fort Lewis, WA 98439-1197

~~((Days Inn Clover Park 6802 South Sprague Tacoma, WA 98409-6797))~~  
Rainier School  
 2120 Ryan Road  
 Buckley, WA 98321-9115

~~((Recreational Vehicle))~~ Marine Mechanics Facility  
 3423 Chapel Street S.W., Building No. 7  
 ((Tacoma)) Lakewood, WA 98444-1539

~~((Franklin Pierce High School 11002 18th Avenue East Tacoma, WA 98445-5200))~~  
Washington Corrections Center for Women  
 9601 Bujacich Rd. N.W.

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained from the catalog, copies of which are available at the following address:

4500 Steilacoom Boulevard S.W.  
 ((Tacoma)) Lakewood, WA 98499-4098

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-276-030 Description of central and field organization of Clover Park Technical College District No. 29.** (1) Clover Park Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50-020. The administrative office of the district is located on the college campus within the county of Pierce, Washington. The college campus likewise comprises the central headquarters for all operations of the district. Field activities for the branch campuses of the district are administered by personnel located at the Clover Park Technical College main office at 4500 Steilacoom Boulevard Southwest in ((Tacoma)) Lakewood, Washington.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495C-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the ((College Handbook)) Policy and Procedure Manual for Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-276-040 Operations and procedures.** (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Pol-

PROPOSED

icy and Procedure Manual of Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-276-060 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the ~~((chief administrative officer of the district))~~ president. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing ~~((upon a form prescribed by the district which shall be available at the district administrative office))~~. The ~~((form))~~ request shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) ~~((If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;~~
- (e) ~~If the requested matter is not identifiable by reference to the current index,))~~ An appropriate description of the record(s) requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-276-100 Determination regarding exempt records.** (1) The district reserves the right to determine that a public record requested in accordance with the

procedures outlined in WAC 495C-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within ~~((two))~~ five business days as to whether his or her request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-276-120 Protection of public records.** Requests for public records shall be made at the administrative office of the district at 4500 Steilacoom Boulevard Southwest, ~~((Tacoma))~~ Lakewood, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495C-276-090.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 495C-276-140 Adoption of form.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 495C-280-010 General policy.
- WAC 495C-280-015 Definitions.
- WAC 495C-280-020 Annual notification of rights.
- WAC 495C-280-030 Procedure to inspect education records.
- WAC 495C-280-040 Disclosure of education records.
- WAC 495C-280-050 Limits on rights to review and inspect and obtain copies of education records.

PROPOSED

WAC 495C-280-060	Record of request and disclosures.
WAC 495C-280-070	Disclosure of directory information.
WAC 495C-280-080	Requests for corrections, hearings, adding statements to education records.
WAC 495C-280-090	Fees for copies.
WAC 495C-280-100	Waiver.
WAC 495C-280-110	Type and location of education records.
WAC 495C-280-120	Remedy for students protected by this act.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-132-010 Financial aid.** Federal, state, and private financial aid applications and information may be obtained at the following address:

Financial Aid Office  
Clover Park Technical College  
4500 Steilacoom Boulevard S.W.  
(Tacoma) Lakewood, WA 98499-4098

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

**AMENDATORY SECTION** (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-100 Right to refuse permit.** The college vice-president for (~~auxiliary services~~) operations and facilities or designee reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

**AMENDATORY SECTION** (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-110 Appeal of permit revocation or refusal.** When a parking permit has been revoked under WAC 495C-116-090 or has been refused in accordance with WAC 495C-116-100 or when a fine or penalty has been levied against a violator of this chapter, that action by the vice-president for (~~auxiliary services~~) operations and facilities or designee may be appealed in accordance with WAC 495C-116-170.

**AMENDATORY SECTION** (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-130 Enforcement.** (1) Parking and traffic rules will be enforced at all times.

(2) The vice-president for (~~auxiliary services~~) operations and facilities or designee is responsible for the enforcement of this chapter.

**AMENDATORY SECTION** (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-160 Fines and penalties.** The vice-president for (~~auxiliary services~~) operations and facilities or designee may impose the following fines and penalties for violation of this chapter:

(1) The college shall publish the schedule in the (~~College~~) Student Handbook and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;

(e) Handicapped parking violation;

(f) Parking in an area not authorized by a permit;

(g) Parking in reserved staff space without authorization;

(h) Blocking or obstructing traffic (may be towed if creating a safety hazard);

(i) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);

(j) Parking in a fire lane (may be towed if creating a safety hazard);

(k) Parking in a zone or area marked no parking;

(l) Other violations of college parking traffic rules.

(3) At the discretion of the vice-president for (~~auxiliary services~~) operations and facilities or designee, an administrator or staff member who has an accumulation of citations may be subject to disciplinary action or have the matter turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding in excess of five working days, the vice-president for (~~auxiliary services~~) operations and facilities or designee may initiate the following actions:

(a) The student may not be able to obtain college records until all fines are paid;

(b) The student will not be able to register for subsequent quarters until all fines are paid.

(5) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to a place for storage selected by the campus security officer or designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495C-116-170.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-170 Appeal of citations and penalties.** (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented, etc.

(2) Appeals must be submitted to the vice-president for (~~(auxiliary services)~~) operations and facilities or designee within five working days from the date of citation.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he or she has five additional working days from the receipt of the decision of the vice-president for (~~(auxiliary services)~~) operations and facilities or designee to appeal.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-190 Designation of parking.** The parking spaces available on campus may be allocated and designated by the vice-president for (~~(auxiliary services)~~) operations and facilities in such a manner as will best achieve the objectives of this chapter.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display on that vehicle a valid state-issued disabled parking permit or license plate. The campus security officer or designee shall issue permits for temporarily handicapped persons and for those with state handicapped parking permits pending. In addition to the disabled permit, valid college parking permits must be displayed on the vehicle.

(2) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits as specified by the posted signs.

(3) The vice-president for (~~(auxiliary services)~~) operations and facilities or designee may designate parking spaces for special purposes as deemed necessary.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-210 Regulatory signs, markings, barricades, etc.** The vice-president for (~~(auxiliary services)~~) operations and facilities or designee may make and erect signs, barricades, and other structures and paint marks and other directions upon the streets, entrances, exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers of vehicles shall observe and obey all the signs, barricades, structures, markings, and directions.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

**WAC 495C-116-260 Disabled or inoperative vehicles—Impounding.** (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding seventy-two hours, without authorization from the vice-president for (~~(auxiliary services)~~) operations and facilities or designee.

(2) Vehicles parked over seventy-two hours without authorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner at least forty-eight hours before impounding.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-108-040 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 4500 Steilacoom Boulevard Southwest, (~~(Tacoma)~~) Lakewood, WA 98499-4098.

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-104-010 Time and place of board meetings.** The board of trustees shall hold one regular meeting on the (~~(third Tuesday)~~) second Wednesday of each month at the F.V. Miner Resource Center, Building 15 on the main college campus and such special meetings as may be requested by the chairman of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at 4500 Steilacoom Boulevard Southwest, (~~(Tacoma)~~) Lakewood, WA 98499-4098, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-010 Definitions.** The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Clover Park Technical College.

(2) "College" means Clover Park Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.-

201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) (~~"Disciplinary officials" means the president or designee, including but not limited to, vice presidents and program directors.~~) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution. Excluded from this definition are "customary athletic events or other similar contests or competitions."

(8) "Student" means a person who is ~~((regularly))~~ enrolled at the college.

(9) "Disciplinary officials" means the president or designee, including, but not limited to, vice-presidents and directors.

(10) "Disciplinary action" means the ~~((warning))~~ reprimand, probation, expulsion, suspension, or ((reprimand)) summary suspension of a student under WAC 495C-120-120 for the violation of a rule adopted in this chapter.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-020 Statement of purpose.** (1) Clover Park Technical College is maintained by the state of Washington for the provision of programs of vocational instruction for ~~((high school students and))~~ adults and qualified high school students, including necessary related instruction and community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that students will conduct themselves as responsible members of the college community. This includes an expectation that ~~((the))~~ students will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interfere(s) with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. ~~((In the case of minors, misconduct may be referred to parents or legal guardians.))~~ Parents or legal guardians may be notified of any sanctions imposed on unemancipated minors.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-040 Student misconduct.** Disciplinary action may be taken for a violation of any provision of

this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) ~~((Clover Park Technical College facilities are smoke free. Smoking is approved at designated sites;~~

~~((2) The))~~ Possession, use, sale, or distribution of any illegal drug on the college campus ((is prohibited)). The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on college or noncollege property shall conform to state law;

~~((3))~~ (2) Engaging in lewd, indecent, or obscene behavior;

~~((4))~~ (3) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;

~~((5))~~ (4) Dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

~~((6))~~ (5) The intentional making of false statements or filing of false charges against the college and members of the college community;

~~((7))~~ (6) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

~~((8))~~ (7) Theft from ~~((of))~~, damage to, or misuse of college premises or property, or theft of or damage to property of a member of the college community or college premises;

~~((9))~~ (8) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

~~((10))~~ (9) Possession of firearms, except where approved by state statute;

(10) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature where such behavior knowingly offends the recipient, causes discomfort, or humiliates or interferes with job performance;

(11) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities;

(12) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus;

(13) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof;

(14) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

#### **NEW SECTION**

**WAC 495C-120-041 Hazing policy.** (1) No student, or other person in attendance at Clover Park Technical College, may conspire to engage in hazing or participate in hazing of another.

## (2) Penalties.

(a) Any organization or association that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clover Park Technical College as an official organization or association on this campus.

If the organization or association is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for ninety calendar days.

(c) Forfeiture of state-funded grants, scholarships or awards shall continue for ninety calendar days, up to and including permanent forfeiture, based upon the seriousness of the violations.

(3) Disciplinary action may be taken under this chapter for hazing violations.

(4) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(5) Conduct which causes embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation, not amounting to hazing, shall be subject to disciplinary action under this chapter.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-045 Loss of eligibility—Student participation.** Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored events or activities.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-050 Civil disturbances.** In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any employee or student of the college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any employee or student of the college who is in the peaceful discharge of his or her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any employee who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of ~~((subparagraphs))~~ subsections (1) and (2) ~~((above))~~ of this section will be subject to disciplinary action and referred to the authorities for prosecution.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-080 Dishonesty/classroom conduct.**

(1) Dishonesty: Honest assessment of student performance is of crucial importance to all members of the college community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and instructional staff to provide reasonable and prudent security measures designed to minimize opportunities for acts of dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a staff member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the staff member as the student's work product, shall be deemed to have committed an act of dishonesty. Acts of dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the class shall be subject to disciplinary action.

(b) The instructor of each program offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the program; provided that; a student shall have the right to appeal such disciplinary action ~~((to the vice president for instruction or designee))~~.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-090 Campus speakers.** (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and staff if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limi-

tations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the staff as moderator, or requiring permission for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president or designee may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-100 Distribution of information.** (1) Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the (~~senior vice president~~) president or designee; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the (~~senior vice president~~) president or designee prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-120 Disciplinary process.** (1) (~~Any infractions of college rules may be referred by any college staff member to the vice president for instruction. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by a staff member pursuant to the provisions in WAC 495C-120-160.~~)

(2) ~~The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the vice president for student services or designee.~~

(3) ~~If a referral or an appeal is made to the vice president for student services or designee, the vice president for student services or designee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that~~

~~the action of the vice president for student services or designee is inappropriate, the student may appeal the matter to the president of the college.~~

(4) ~~The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the vice president for student services or designee. The decision of the president is final.~~) Infractions of college rules may be referred by any college staff member to the appropriate director or designee.

(2) A student alleged to have violated a provision of this chapter shall be notified to meet with the director or designee for possible disciplinary action.

(3) After a careful review of the circumstances surrounding the alleged misconduct, the director or designee may take any of the following actions:

(a) Terminate the proceeding;

(b) Dismiss the case after whatever counseling and advice the director or designee deems appropriate;

(c) Impose appropriate disciplinary action (reprimand, probation, suspension, expulsion), subject to student's right of appeal.

(4) The student will be notified in writing of the determination made by the director or designee.

(5) If, after consideration of the alleged misconduct, the recommendation of the director or designee is for disciplinary action, the student may:

(a) Accept the disciplinary action; or

(b) File, within fifteen calendar days following receipt of the notification of disciplinary action, a written request for a formal hearing pursuant to the provisions of WAC 495C-120-160. If the request is not filed within the prescribed time, the right to do so is waived.

(6) If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time, place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

#### **NEW SECTION**

**WAC 495C-120-125 Summary suspension.** If any college staff member has cause to believe that a student presents an imminent danger to himself or herself or other persons on college facilities or to the educational process of the college, then the staff member shall have authority to immediately remove the student from the college premises. The college staff member shall notify, as soon as possible, the vice-president for student services or designee who may initiate summary suspension until such time as the college staff is satisfied the student's dangerous nature has ceased. The duration of summary suspension shall not exceed ten instructional days except that the vice-president for student services or designee may continue summary suspension beyond ten instructional days in circumstances where the student continues to present an imminent danger to the people, facilities, or the educational process pending the disciplinary proceedings provided for in this code.

PROPOSED

(1) If the vice-president for student services desires to exercise the authority to summarily suspend a student, the vice-president or designee will cause the student to be notified of the summary suspension.

(2) A formal hearing, pursuant to the provisions of WAC 495C-120-160 will be scheduled and held as quickly as feasible.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-130 Disciplinary terms.** The definitions set forth in this section apply throughout WAC 495C-120-180.

(1) Disciplinary warning means oral notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules or failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of his or her violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a ~~((specified))~~ specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

~~((4)) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or other students or persons in college facilities on or off campus, or to the educational process of the college.~~

~~((5))~~ Suspension means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

~~((6))~~ (5) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(6) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten instructional days unless extended as provided in this chapter which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplin-

ary action, where a student presents an imminent danger to the college property, or to himself or herself, or other students or persons in college facilities on or off campus, or to the educational process of the college.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-140 Readmission after suspension or expulsion.** Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for ~~((instruction))~~ student services or designee. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the ~~((college president or designee))~~ vice-president for student services.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-150 Readmission into instructional program.** Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495C-120-120 and ~~((495C-120-130))~~ 495C-120-125 and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reenter their instructional program ~~((to the extent possible within the abilities of the college)),~~ including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-160 ((Procedural guidelines)) Hearing procedures.** (1) ~~((Students, if they wish))~~ A student, if he or she wishes to appeal, ~~((have))~~ has a right to a fair and impartial hearing before the vice-president for student services or designee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the vice-president for student services or designee from making his or her findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the vice-president for student services or designee in recommending penalties.

(2) ~~((The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so~~

~~requested in writing by the student-))~~ If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time, place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

(3) The student (~~(or)~~), his or her representative, or both, shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the vice-president for student services or designee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his or her choice, who shall not be a college employee.

(6) Hearings (~~conducted by the vice-president for student services or designee~~) may be held in closed session at the discretion of the vice-president for student services or designee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the vice-president for student services or designee may exclude such persons from the hearing room.

(7) The vice-president for student services or designee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the vice-president for student services or designee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the vice-president for student services or designee as well as a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. The student will (~~(also)~~) be advised of his or her right to present, within (~~(ten)~~) fifteen calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the vice-president for student services or designee. In the case of an (~~(unmarried student under eighteen years of age)~~) unmancipated minor, written notice of any action involving dismissal or disciplinary probation (~~(is)~~) may be sent to the parents or guardian of the student.

(11) The vice-president for student services or designee shall establish general rules of procedure for conducting hearings consistent with these (~~(procedural)~~) guidelines, the college's rules of practice and procedure set forth in chapter 495C-108 WAC and the Administrative Procedure Act, chapter 34.05 RCW.

(12) (~~The president of the college or his designated representative, after reviewing the case, including the report of the vice-president for student services or designee and any statement filed by the student, shall either indicate his approval of the conclusions of the vice-president for student services or designee by sustaining his or her decision, shall give directions as to what other disciplinary action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice-president for student services-))~~ If no timely appeal is filed in writing from the findings and conclusions of the vice-president for student services or designee, the action taken shall be final.

**AMENDATORY SECTION** (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-170 Appeals.** (~~Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the vice-president for instruction within ten calendar days of the college's giving of the notice of the disciplinary action.~~

(1) ~~Disciplinary action by a college staff member may be appealed to, and shall be reviewed by, the vice-president for instruction or his or her designee.~~

(2) ~~Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the vice-president for student services or designee.~~

(3) ~~Disciplinary action by the vice-president for student services or designee may be appealed to, and shall be reviewed by, the college president or his designee.~~

(4) ~~Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing the decision. All appeals to the president shall be final.)~~ The outcome of any disciplinary hearing may be appealed.

(1) Notice of an appeal by a student shall be made in writing and addressed to the president of the college within fifteen calendar days of receiving the formal notification of the hearing outcome.

(2) Review of appeals.

(a) The president must review the whole record or such portions of it as may be cited by the parties.

(b) The president must afford each party the opportunity to present written argument and may afford each party the opportunity to present oral argument.

(c) The president must enter a final order disposing of the proceedings or remand the matter for further proceedings, with instructions.

(d) The final order must include a statement of findings and conclusions, and the basis and reasons therefor, on all

material issues of fact, law, or discretion presented on the record, including the remedy or sanction.

(3) The president, after reviewing the case, shall either indicate his or her approval of the conclusions of the vice-president for student services or designee by sustaining the decision, shall give directions as to what other disciplinary action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice-president for student services.

(4) The president will cause copies of the final order or remand order to be served on each party.

(5) All appeals to the president shall be final.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-120-180 Reporting, recording and maintaining records.** Records of all disciplinary cases shall be kept by the appropriate disciplinary official (~~((taking or initiating the action))~~) and in the student's official college file. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-168-020 Loans.** Materials from the college library(~~(:)~~)F.V. Miner Resource Center(~~(:)~~) are checked out only to the following groups.

(1) All currently registered students of the college;

(2) All current staff members;

(3) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;

(4) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Clover Park Technical College students.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-168-040 Student handbook.** Information governing the operation of the library center is included in the student (~~and college~~) handbook(s) and the college Policy and Procedure Manual.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-140-090 Basis of fee assessment.** (1) The basis for establishing and charging fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of vice-president for (~~(auxiliary services))~~) operations and facilities.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration feels a commercial facility should be patronized. At no time will facility use be granted for a noncollege related commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

**WAC 495C-140-100 Application procedures.** (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of (~~(auxiliary services))~~) operations and facilities. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) Events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The vice-president for (~~(auxiliary services))~~) operations and facilities or designee reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Clover Park Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the Clover Park Technical College board of trustees.

**WSR 00-08-106**  
**PROPOSED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed April 5, 2000, 10:40 a.m.]

**Original Notice.**

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Pilotage rates for the Puget Sound pilotage district.

Purpose: To establish a Puget Sound pilotage district annual tariff.

Other Identifying Information: WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule reflects a 2.88% decrease in all categories except transportation to be charged for pilotage services in the Puget Sound pilotage district for the 2000-01 tariff year. A modification is proposed in the LOA rate schedule.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 2911 2nd Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Puget Sound Pilots, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Puget Sound pilotage district expire on June 30, 2000. New rates must be set annually.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed by the Puget Sound pilots would decrease the tariff for pilotage services in the Puget Sound pilotage district by 2.88% under the present tariff in all categories except transportation. In the LOA rate schedule section of the tariff the "1000 & over" category is expanded to accommodate larger size vessels.

Proposal Changes the Following Existing Rules: The proposed rule is a 2.88% decrease under the existing tariff in all categories except transportation. In the LOA rate schedule section of the tariff the ten-foot incremental categories are expanded beyond "1000 & over" to "1500 & over" as well as an appropriate spread of charges by zone.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services. The application of the 2.88% decrease is clear in the proposed tariff shown below and represents a minor economic impact on shipping costs.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on May 11, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by May 8, 2000, (206) 515-3904.

Submit Written Comments to: Harry Dudley, Chairman, fax (206) 515-3969, by May 4, 2000.

Date of Intended Adoption: May 11, 2000.

April 3, 2000  
Peggy Larson  
Administrator

**AMENDATORY SECTION** (Amending WSR 99-12-027, filed 5/25/99, effective 7/1/99)

**WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district.** Effective 0001 hours July 1, ((1999)) 2000, through 2400 hours June 30, ((2000)) 2001.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	(( <del>\$37.00</del> )) <u>\$36.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA
LOA of tug+ LOA of tow+ beam of tow	Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

**PROPOSED**

Waterway and bridge charges:

Ships up to 90' beam:

A charge of ~~(((\$195.00))~~ \$189.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ~~(((\$93.00))~~ \$90.00 per bridge.

Ships 90' beam and/or over:

A charge of ~~(((\$262.00))~~ \$254.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ~~(((\$184.00))~~ \$179.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	<del>(((\$261.00))</del> <u>\$253.00</u>
Radio direction finder calibration	<del>(((\$261.00))</del> <u>\$253.00</u>
Launching vessels	<del>(((\$393.00))</del> <u>\$382.00</u>
Trial trips, 6 hours or less (Minimum <del>(((\$732.00))</del> <u>\$708.00</u> )	<del>(((\$122.00))</del> <u>\$118.00</u> per hr.
Trial trips, over 6 hours (two pilots)	<del>(((\$244.00))</del> <u>\$236.00</u> per hr.
Shilshole Bay – Salmon Bay	<del>(((\$153.00))</del> <u>\$149.00</u>
Salmon Bay – Lake Union	<del>(((\$119.00))</del> <u>\$116.00</u>
Lake Union – Lake Washington (plus LOA zone from Webster Point)	<del>(((\$153.00))</del> <u>\$149.00</u>
Cancellation charge	LOA Zone I

Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)

LOA Zone II

Docking delay after anchoring: ~~(((\$122.00))~~ \$118.00 per hr.

Applicable harbor shift rate to apply, plus ~~(((\$122.00))~~ \$118.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~(((\$122.00))~~ \$118.00 for every hour or fraction thereof.

Sailing delay: ~~(((\$122.00))~~ \$118.00 per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~(((\$122.00))~~ \$118.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown: ~~(((\$122.00))~~ \$118.00 per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ~~(((\$122.00))~~ \$118.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:  
Additional charge to LOA zone mileage of ~~(((\$0.0062))~~ \$0.0060 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:  
Additional charge to LOA zone mileage of ~~(((\$0.0634))~~ \$0.0616 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:  
In excess of 50,000 gross tons, the charge shall be ~~(((\$0.0759))~~ \$0.0737 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: ~~(((\$122.00))~~ \$118.00 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~(((\$122.00))~~ \$118.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 144.00
Bangor	84.00

PROPOSED

		(LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
			I	II	III	IV	V	VI
			Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Bellingham	158.00							
Bremerton	44.00							
Cherry Point	175.00							
Dupont	85.00							
Edmonds	27.00							
Everett	52.00							
Ferndale	173.00							
Manchester	66.00	Up to 449	184	287	498	746	1008	1310
Mukilteo	52.00	450-459	190	293	501	758	1024	1316
Olympia	108.00	460-469	194	298	509	770	1039	1322
Point Wells	27.00	470-479	200	306	516	786	1042	1325
Port Gamble	77.00	480-489	205	312	518	801	1048	1331
Port Townsend (Indian Island)	109.00	490-499	208	316	525	815	1061	1336
Seattle	15.00	500-509	219	321	533	825	1068	1346
Semiahmoo (Blaine)	196.00	510-519	221	327	538	837	1080	1350
Tacoma	56.00	520-529	224	339	547	841	1089	1363
Tacoma Smelter	66.00	530-539	232	344	554	851	1107	1377
Winslow	42.00	540-549	235	349	566	860	1125	1389
(a) Intraharbor transportation for the Port Angeles port area -transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.		550-559	240	360	570	873	1133	1403
		560-569	249	375	581	880	1144	1417
		570-579	254	379	585	884	1156	1426
(b) Interport shifts: Transportation paid to and from both points.		580-589	266	386	597	892	1164	1441
		590-599	278	393	601	896	1180	1457
(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.		600-609	287	405	609	898	1194	1464
		610-619	305	410	621	903	1207	1477
(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.		620-629	317	415	627	913	1220	1495
		630-639	333	422	634	915	1230	1507
		640-649	346	432	641	918	1242	1519
(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.		650-659	371	440	652	926	1257	1535
		660-669	378	444	658	930	1270	1546
		670-679	391	456	664	946	1285	1555
Delinquent payment charge: 1 1/2% per month after 45 days from first billing.		680-689	397	465	673	957	1296	1572
		690-699	410	473	683	973	1310	1603
Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.		700-719	428	488	696	983	1335	1621
		720-739	454	501	714	998	1363	1650
		740-759	473	525	728	1008	1389	1678
		760-779	491	544	744	1024	1417	1702
		780-799	516	567	758	1039	1441	1731
		800-819	536	585	773	1044	1464	1757
LOA rate schedule		820-839	554	604	792	1061	1495	1778
The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.		840-859	578	630	805	1072	1519	1809
		860-879	599	652	821	1101	1546	1834
		880-899	621	671	837	1127	1572	1861
		900-919	639	692	852	1154	1603	1888
		920-939	659	714	873	1180	1621	1912
		940-959	683	733	885	1207	1650	1937
		960-979	699	755	900	1230	1678	1966
		980-999	724	773	916	1257	1702	1990

PROPOSED

((LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1000 & over	744	799	931	1285	1731	2017))

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over

Up to 449	179	279	484	725	979	1272
450 - 459	185	285	487	736	995	1278
460 - 469	188	289	494	748	1009	1284
470 - 479	194	297	501	763	1012	1287
480 - 489	199	303	503	778	1018	1293
490 - 499	202	307	510	792	1030	1298
500 - 509	213	312	518	801	1037	1307
510 - 519	215	318	523	813	1049	1311
520 - 529	218	329	531	817	1058	1324
530 - 539	225	334	538	826	1075	1337
540 - 549	228	339	550	835	1093	1349
550 - 559	233	350	554	848	1100	1363
560 - 569	242	364	564	855	1111	1376
570 - 579	247	368	568	859	1123	1385
580 - 589	258	375	580	866	1130	1399
590 - 599	270	382	584	870	1146	1415
600 - 609	279	393	591	872	1160	1422
610 - 619	296	398	603	877	1172	1434
620 - 629	308	403	609	887	1185	1452
630 - 639	323	410	616	889	1195	1464
640 - 649	336	420	623	892	1206	1475
650 - 659	360	427	633	899	1221	1491
660 - 669	367	431	639	903	1233	1501
670 - 679	380	443	645	919	1248	1510
680 - 689	386	452	654	929	1259	1527
690 - 699	398	459	663	945	1272	1557
700 - 719	416	474	676	955	1297	1574
720 - 739	441	487	693	969	1324	1602
740 - 759	459	510	707	979	1349	1630
760 - 779	477	528	723	995	1376	1653
780 - 799	501	551	736	1009	1399	1681
800 - 819	521	568	751	1014	1422	1706

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
820 - 839	538	587	769	1030	1452	1727
840 - 859	561	612	782	1041	1475	1757
860 - 879	582	633	797	1069	1501	1781
880 - 899	603	652	813	1095	1527	1807
900 - 919	621	672	827	1121	1557	1834
920 - 939	640	693	848	1146	1574	1857
940 - 959	663	712	860	1172	1602	1881
960 - 979	679	733	874	1195	1630	1909
980 - 999	703	751	890	1221	1653	1933
1000 - 1019	744	799	931	1285	1731	2017
1020 - 1039	766	823	959	1324	1783	2078
1040 - 1059	789	848	988	1363	1836	2140
1060 - 1079	813	873	1017	1404	1892	2204
1080 - 1099	837	899	1048	1446	1948	2270
1100 - 1119	862	926	1079	1490	2007	2338
1120 - 1139	888	954	1112	1534	2067	2408
1140 - 1159	915	983	1145	1580	2129	2481
1160 - 1179	942	1012	1179	1628	2193	2555
1180 - 1199	971	1043	1215	1677	2259	2632
1200 - 1219	1000	1074	1251	1727	2326	2711
1220 - 1239	1030	1106	1289	1779	2396	2792
1240 - 1259	1061	1139	1327	1832	2468	2876
1260 - 1279	1093	1173	1367	1887	2542	2962
1280 - 1299	1125	1209	1408	1944	2618	3051
1300 - 1319	1159	1245	1450	2002	2697	3142
1320 - 1339	1194	1282	1494	2062	2778	3237
1340 - 1359	1230	1321	1539	2124	2861	3334
1360 - 1379	1267	1360	1585	2188	2947	3434
1380 - 1399	1305	1401	1633	2253	3035	3537
1400 - 1419	1344	1443	1681	2321	3126	3643
1420 - 1439	1384	1486	1732	2390	3220	3752
1440 - 1459	1426	1531	1784	2462	3317	3865
1460 - 1479	1468	1577	1837	2536	3416	3981
1480 - 1499	1512	1624	1893	2612	3519	4100
1500 & Over	1558	1673	1949	2691	3624	4223

PROPOSED

**WSR 00-08-107**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed April 5, 2000, 10:55 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 00-05-100.

Title of Rule: Red raspberry grades and standards.

Purpose: To (1) establish a grade and standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses; (2) establish standards for red raspberry puree stock and juice stock red raspberries; (3) establish container marking requirements for red raspberries; and (4) specify how red raspberries may be used, processed and sold. Red raspberries destined for fresh market are exempt from this rule.

Statutory Authority for Adoption: Chapters 15.17 and 69.04 RCW.

Statutory authority for WAC 16-143-010, 16-143-020, 16-143-030 and 16-143-070 is chapters 15.17 and 69.04 RCW; WAC 16-143-030, 16-143-040 and 16-143-050 is chapter 15.17 RCW; and WAC 16-143-060, 16-143-070, 16-143-080, 16-143-090, 16-143-100 and 16-143-110 is chapter 69.04 RCW.

Statute Being Implemented: Chapters 15.17 and 69.04 RCW.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Dannie McQueen, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1809; Implementation and Enforcement: Mike Donovan and Jim Quigley, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1883.

Name of Proponent: The Department of Agriculture received request for proposed rule making from the Red Raspberry Commission, private.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: If adopted, the rule will institute new approaches for growers, processors, concentrators ... anyone in the business of dealing with red raspberries destined for freezing, puree, juice stock and other processing uses.

Red raspberries destined for processing would be required to meet grade standards and put in the appropriately marked containers. The red raspberries would require inspection at a licensed food processing facility. There are no reporting or record-keeping requirements.

The red raspberries meeting the grading standards for Washington No. 1 processing grade red raspberries are to be in containers that are marked with the words "Washington No. 1 processing grade red raspberries." Washington No. 1 processing grade red raspberries may be used for straight pack, IQF, puree stock, puree concentrate, juice, juice concentrate or any other type of use. Raspberries that do not meet grade or are ungraded are regarded as unclassified and are required to be in containers marked "Juice Stock Red Raspberries." Unclassified fruit may be used only for processing into wine, ultra-filtered or pasteurized juice products,

or juice concentrate filtered to remove foreign material including mold.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

**I. Background and Purpose - Proposed Rule:** The Washington Red Raspberry Commission has asked the department to adopt standards for fresh raspberries that are sold for processing into other products. Red raspberries destined for fresh market are exempt in the rule proposal. The state's 173 raspberry farms that are included as growers under the jurisdiction of the Red Raspberry Commission represent nearly 8,700 producing acres. Washington produces approximately 10% of the world red raspberry crop. The berries produced by commission members are sold fresh market, frozen as IQF packs (individually quick frozen) or straight pack, used to produce the puree for making jam and pastries and sold for juice stock. Other smaller farms (estimated at 42 farms), which produce at a level under the 6,000 pound minimum for inclusion in the commission, typically sell direct to consumers, produce value added berry products such as jam or sell at farmers' markets. Larger growers typically sell fruit to packer-processors or occasionally directly to concentrator-processors. The packer-processor packages the fruit for the concentrator or other ingredient processor who processes it further into basic ingredients, jelly or juice. An ingredient user would take concentrated fruit and make it into a final product such as jam.

With the exception of those small raspberry growers that sell fresh market fruit, most raspberries are harvested with harvesting machines into flats or barrels (drums). The processor normally provides the grower containers for the fresh raspberries that are transported to the processor. Fruit that is picked for the making of puree or for IQF packs are sorted into flats using manual labor to remove foreign material or poor quality berries or fruit is picked straight into drums which is then transported to the processor for juice.

It has been commonly understood in the past by the industry that only the higher quality berries picked into flats were of puree quality and used for puree products. Growers receive a premium for those berries. Traditionally, although not required by state or federal regulation, processors would use the fruit harvested into drums for the production of juice. Over the past years, processors began using berries harvested into drums for puree, therefore, using what is considered by some to be a lower quality fruit for the making of puree. The concern by some growers is that this practice in the long term will reduce the quality of raspberry products produced from Washington state raspberries, and thereby, affect Washington raspberry grower's ability to compete with raspberry production in other domestic or foreign markets.

The purpose of the proposed rule is to (1) establish a grade and standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses; (2) establish standards of identify for red raspberry puree stock and juice stock red raspberries; (3) establish container mark-

PROPOSED

ing requirements for red raspberries; and (4) specify how red raspberries may be used, processed and sold.

**II. Summary of Proposed Rule:** Red raspberries destined for processing would be required to meet grade standards and put in the appropriately marked containers. The red raspberries would require inspection at a licensed food processing facility. There are no reporting or record-keeping requirements.

The red raspberries meeting the grading standards for Washington No. 1 processing grade red raspberries are to be in containers that are marked with the words "Washington No. 1 processing grade Red Raspberries." Washington No. 1 processing grade red raspberries may be used for straight pack, IQF, puree stock, puree concentrate, juice, juice concentrate or any other type of use. Raspberries that do not meet grade or are ungraded are regarded as unclassified and are required to be in containers marked "Juice Stock Red Raspberries." Unclassified fruit may be used only for processing into wine, ultra-filtered or pasteurized juice products, or juice concentrate filtered to remove foreign material including mold.

**III. Statutory Authorities for Promulgation of Proposed Rule:** Chapter 15.17 RCW, Standards of grades and pack, grants the Washington State Department of Agriculture the authority to establish grades for fresh fruits and vegetables. Chapter 69.04 RCW, the Food, Drugs, Cosmetics, and Poisons Act, allows the Washington State Department of Agriculture to establish oversight of product used under its authority to protect consumers from adulterated or misbranded food, or food which may potentially injure consumers by product use.

**IV. Potentially Affected Industries:** 1. Growers who sell red raspberries to processors. The Standard Industrial Classification (SIC) code 0171 was used to determine the number of berry growers in the state. Based on additional employment information approximately two-hundred nineteen (76%) of the two-hundred eighty-eight berry growers grow red raspberries. The businesses include the one-hundred seventy-three growers in the Red Raspberry Commission and an estimated maximum of forty-six raspberry growers outside the commission as based on size or location (eastern Washington). Please note a number of the estimated forty-two smallest growers may only sell fresh market and are thus exempt from this rule. The other four growers are assumed to be in eastern Washington and thus not members of the commission. The eastern Washington growers could be any farm size. However, there is no known large acreage of raspberries in the eastern portion of the state.

2. Packer processors. There are approximately forty-seven large and small processors in Washington. The processors are roughly evenly split between large and small businesses (52% to 48%). Based on the information provided by the agency and SIC code 2033 and 2037 there is no way to tell how many of these are packer processors. However, there are reported by Red Raspberry Commission members to be eighteen packer processors. All are also growers. Whatcom County is reported to have twelve processor packers.

3. Concentrator processors and ingredient users. Since eighteen of the forty-seven large and small processors are packer processors the remaining twenty-nine are assumed to be concentrators and ingredient users. There are ten or fewer concentrators in the state. All are large businesses. The remaining nineteen businesses are assumed to be ingredient users. The ingredient user category includes both large businesses and very small home-based businesses such as specialty jam makers.

**V. Grower Economic Impacts - Assumptions, Costs, Revenue:** Grower Assumptions:

1. There are eight thousand seven hundred acres in red raspberry production in Washington.

2. There are two hundred fifty harvesting machines, one per thirty acres for harvesting into flats, one per forty acres for harvesting into barrels.

3. Harvest lasts approximately six weeks. Puree and the highest quality berries are harvested during the first four weeks of the harvest

4. The average raspberry production is eight thousand pounds per acre (4 tons).

5. The average employee cost, with benefits, is \$7.50 per hour.

6. The average harvest day worked is twelve hours per day. Crews work seven days per week.

7. Packer processors supply containers for harvest. Growers supply harvesters, trucks and staff.

8. Growers do not label flats or other containers.

9. Growers will receive more for higher grades of berries. A premium of ten to fifteen cents per pound is received for IQF, five to eight cents per pound is given for berries suitable for puree.

10. At least eighteen growers are also packer processors, Whatcom County has the most grower/packer processors with twelve.

11. At least 97% of the growers are small businesses (fewer than fifty employees).

Grower assumptions specific to the proposed rule:

- 4% of the acreage will make changes to harvest higher quality fruit. This will cause the lease or purchase of twelve additional harvesters and hire staff to run those harvesters. Most growers lease harvesters at an average cost of \$16,000 per year. The staff to operate each of the harvesters for 6 weeks is estimated to be \$11,340 (\$7.50 x 12 hours x 7 days x 6 weeks x 3 employees). The total annual leasing cost and additional staff for new harvesters is \$328,080.
- 15% of the currently owned harvesters (thirty-eight harvesters) will require additional staff to produce a higher grade of berries for the puree market. The season will be four weeks for the higher grade of berries. One employee will be needed on the machine and an additional 0.5 employee will be needed per machine for stacking and transporting. The increased staff cost will be \$143,640 and is based on thirty-eight harvesters x 1.5 employees x \$7.50 x 12 hours x 7 days x 4 weeks.
- The higher grade of berries that are sold for puree production will receive a premium of 6 cents per pound. Total production that would be eligible for

this premium is 10 million pounds. The additional revenue from the premium will be \$600,000 for the growers.

- Container and labeling costs will not be borne by the growers.
- While it could be argued the demand may decline for puree stock because of higher revenues to the grower, it is assumed the demand will remain the same.

The costs to the growers will include leasing harvesting equipment, additional staff to operate the estimated needed twelve harvesters and the increased cost of sorting the fruit to meet the two grades. The twelve leased harvesters and labor to operate them are estimated to cost \$328,080. The additional labor cost that is needed to sort the fruit to the No. 1 processing grade is based on assumptions of four weeks of harvest for the higher quality berries involving 15% of the acreage and totals \$143,640. The total cost to the growers is \$471,720.

The grower of red raspberries is not assumed to experience a loss of sales or revenue from the proposed rule. The demand for raspberry products has been steady. It is likely that the grower will experience an increase in the value of the berries that are graded No. 1 because the rule prohibits the use of juice stock berries in puree. Depending upon the demand for berries suitable for puree the grower is estimated to receive a premium of six cents per pound for their graded berries. Based on the estimate of ten million pounds of puree suitable berries the return to growers would be \$600,000.

The above economic impact is in terms of the total impact spread across all growers. Under the proposed rules a grower may choose to harvest into drums and sell the entire crop as juice stock. The maximum impact scenario to one individual grower, a small business that is not a processor, follows: The greatest impact is based on the grower that has forty-five acres of raspberries. One harvester can harvest this acreage, if harvesting for juice berries. However, switching to puree would require that another harvester be leased at \$16,000 and a harvester crew hired for \$11,340. An additional person would also be needed for their original harvester at \$2,520 for the four weeks of early harvest. The total costs to this individual grower would be \$29,860. The total additional revenue for their acreage, assuming all berries had been previously sold for juice, is \$14,256. This is based on an estimated 5,280 pounds of berries per acre (four weeks of harvest) sold as puree berries with a premium of six cents per pound. This grower with forty-five acres is not likely to switch to producing for the puree market. Other growers with excess harvester capacity, for instance two harvesters for fifty acres, are more likely to switch to the puree market.

#### **VI. Packer Processor Economic Impacts - Assumptions, Costs, Revenue:** Packer Processors Assumptions:

1. Containers are owned by the packer processors and are given to the growers for harvesting. The cost per flat is \$3.50.
2. Labeling is already done at the processing plant. The labels are computer generated and labeling changes to add "grade" are simple to make.

3. Lots of varying quality of fruit are already tracked by packer processors.

4. A processing line to handle barrels and additional flats would cost \$50,000 (ten years for depreciation). Each line needs eight staff at \$7.50 per hour for four weeks, seven days per week, twelve hours per day for a cost total of \$20,160 per line.

5. An additional ten million pounds of puree quality fruit would be processed through the packer processor for sale to the concentrator.

6. All packer processors are also growers.

Packer processors assumptions specific to the proposed rule:

- Eight million more puree suitable berries would be picked into flats representing a 20% increase in the number of needed containers. An estimated 50,000 additional flats are needed at \$3.50 per flat for a total cost of \$175,000.
- The increased packed puree product cost for the concentrator processor is estimated to be 6 cents per pound. The additional revenue to packer from the concentrator would total \$600,000 for the 10 million pounds of berries that would be sold as puree instead of juice stock.
- An increase in labor cost would be caused by the additional eight million pounds of berries picked into flats. Each line is assumed to need one additional person for four weeks. Each of the eighteen packer processors is assumed to have five lines. Therefore, the eighteen packer processors need a total of 90 additional employees. The total additional labor cost would be \$226,800. These berries are included in the ten million pounds of berries that are the base for projected revenue.
- Capital costs for setup of two lines to handle barrels and additional flats is \$100,000 with the annual additional costs for staff of \$40,320.
- There are no increased labeling or lot tracking costs.

The packer processors are assumed to incur additional labor costs to sort specific lots of berries to meet grade standards. The estimated increased labor costs are \$267,120. In addition, two more processing lines to handle barrels and additional flats are needed at a cost of \$100,000. The additional 50,000 flats needed to supply harvesting growers are estimated to cost \$175,000 at \$3.50 each. The total costs to be spread among the packer processors is \$542,120.

The packer processor of red raspberries is not assumed to experience a loss of sales or revenue from the proposed rule. The demand for raspberry products has been steady. It is likely that the packer processor will experience an increase in the value of the berries that are graded No. 1 because the rule prohibits the use of juice stock berries in puree. Depending upon the demand for berries suitable for puree the packer processor is estimated to receive a premium of six cents per pound for their graded berries. Based on the estimate of ten million pounds of puree suitable berries the return to packer processors would be \$600,000.

The greatest cost to an individual packer processor, assumed to be a large business, is estimated to be \$82,760. This is based on paying for a new line and staff to run the line

at \$70,160 and additional staff for increased sorting on their other five lines at \$12,600. The total revenue for this processor for one year is assumed to be \$33,333. This is based on the individual packer processor's split of the ten million pounds of berries (555,555 pounds) that would switch from juice stock to puree and a premium of six cents per pound. This does not appear to be a prudent investment until depreciation across ten years for the line capital investment is considered and the assumption for the amount of berries crossing the new line increases. The new total for an assumption of 700,000 pounds of berries on the new line and factoring in depreciation show annual costs of \$37,760 and revenue of \$42,000.

#### **VII. Concentrator Processor and Ingredient User Economic Impacts - Assumptions, Costs, Revenue Reduction: Concentrator Processors Assumptions:**

1. Some concentrator processors currently use berries that under the proposed rule would be considered juice stock quality fruit for making puree. For instance, one company in eastern Washington uses two million pounds annually of drum harvested fruit in their puree products. The price paid for these juice berries is at least ten cents per pound less than that paid for puree stock. The total amount of berries that would be upgraded to Washington No. 1 processing grade red raspberries and suitable for puree stock is estimated at ten million pounds.

2. It is assumed that concentrator processors will pass any increased costs to the end product maker (e.g. a jam maker) who needs a specific ingredient. It is estimated that the increased cost to the end product user is twelve cents per pound for the estimated ten million pounds of puree berries that are used to make jam and other products that was sold by the grower for juice stock. The pounds of concentrated stock affected are less than ten million pounds because one ton of berries makes six hundred fifty pounds of concentrated product.

The twenty-nine concentrator processors and ingredient users such as jam makers are estimated to experience a twelve cent increase per pound in production cost for ten million pounds of berries caused by paying more for graded berries suitable for puree. Any blending of juice stock berries into graded berries would result in the blended stock being suitable only for juice. The blending of juice stock berries into puree is specifically prohibited. Some of the concentrator processors currently purchase only high quality berries that are commonly understood to be of puree quality for their puree products. These concentrator processors would have no impact from the proposed rule. The other concentrator processors that blend juice stock into puree are assumed to pass their increased puree costs for the ten million pounds of berries entirely to the ingredient users. The prohibition against using juice berries in puree is estimated to cost the ingredient users \$1,200,000.

**VIII. Requirements with Chapter 19.85 RCW, Regulatory Fairness Act:** The Regulatory Fairness Act (chapter 19.85 RCW) requires that rules promulgated by state agencies under the Administrative Procedure Act be examined for their impact on small businesses. The purpose of the act is to ensure that rules proposed do not place a disproportionately

high burden on small businesses relative to the burden they place on large businesses (reference RCW 19.85.011). A small business is defined as an independent, for-profit Washington business entity with fifty or fewer employees (RCW 19.85.020).

The act requires that proposed rules that impose "more than minor costs" on industry businesses be evaluated and, if necessary, altered to minimize their impact on small business. An analysis of compliance costs must be completed and documented in a small business economic impact statement (SBEIS) if: (1) A proposed rule meets or exceeds this "more than minor" criterion, or if (2) the Joint Administrative Rules Review Committee (JARRC) requests an SBEIS for a proposed rule. A state agency may independently decide to complete an SBEIS.

The act establishes specific analyses and necessary elements for inclusion in an SBEIS. Among other requirements, the SBEIS must include a brief description of the compliance requirements of the rule, a description of the professional services needed by small business to comply with the rule, an analysis of the compliance cost for small business, and a comparison of the compliance costs for small and large businesses.

Based upon the extent any disproportionate impact is anticipated to occur for small businesses from the proposed rule, the agency must reduce the costs on small business, where legal and feasible, in meeting the stated objective of the statutes upon which the rule is based. Mitigation can be accomplished in a number of ways, such as establishing differing compliance or reporting requirements for small businesses, clarifying or simplifying the compliance requirements for small businesses, delaying compliance timetables, exempting small businesses from any or all the rule requirements, or similar measures.

The Department of Agriculture, in order to be in compliance with the Regulatory Fairness Act, has documented its analyses on businesses herein and mitigated the impacts on small businesses, as outlined in this document.

**IV. Mitigation of Impacts on Businesses both Large and Small:** The growers are mostly (97.6%) small businesses and the processors are almost evenly split between small and large businesses. Since the requirements are based evenly on volume the larger the grower or processor the greater the total cost. The costs associated with compliance are, with the exception of the two new processing lines that are likely to be done by a large business, variable costs and should not result in a disproportionate impact on small businesses. Each grower will decide if the increase in revenue for their specific situation justifies the increase in cost to product berries for the puree processing market.

One way the proposed rule will be mitigated is the cost of inspection for compliance by the Washington State Department of Agriculture that is needed by growers and packer processors. The fruit and vegetable inspection program costs for this rule are based on check sampling individual growers for compliance. If the inspection costs were charged to each randomly selected individual business it would result in a disproportionate impact on the selected business, most of which are small businesses.

The Department of Agriculture proposed to the Red Raspberry Commission that, in the event the rules are adopted, the commission would enter into an interagency agreement with the department to provide inspection. The inspection costs would be borne by the commission. No individual grower or packer processor will need to pay for an individual compliance inspection. The commission already pools the assessments received from the individual growers. The pooled money will pay for the estimated \$2,800 in annual inspection costs. The other processor inspections would be routine agency inspections conducted by the food safety program and thus not charged to the processor.

A copy of the statement may be obtained by writing to [Dannie McQueen, P.O. Box 42560, Olympia, WA 98504-2560,] phone (360) 902-1809, fax (360) 902-2092.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The sections are not applicable to the Department of Agriculture.

Hearing Location: Whatcom County Courthouse, County council Chamber, 311 Grand Avenue, Bellingham, WA 98225, on May 10, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lou Jones by May 1, 2000, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Dannie McQueen, Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, e-mail dmcqueen@agr.wa.gov, fax (360) 902-2092, by 5:00 p.m., May 11, 2000.

Date of Intended Adoption: May 19, 2000.

April 5, 2000

William E. Brookreson  
Deputy Director

## Chapter 16-143 WAC

### RED RASPBERRY GRADES AND STANDARDS

#### NEW SECTION

**WAC 16-143-010 What is the purpose of this chapter?** The purpose of this chapter is to:

- (1) Establish a grade and standards for fresh red raspberries that are destined for freezing, puree, juice stock and other processing uses;
- (2) Establish standards for red raspberry puree stock and juice stock red raspberries;
- (3) Establish container marking requirements for red raspberries; and
- (4) Specify how red raspberries may be used, processed and sold.

Red raspberries destined for fresh market are exempt from this rule.

#### NEW SECTION

**WAC 16-143-020 What definitions apply to this chapter?** The following definitions apply to this chapter:

(1) "**Containers**" includes pails, trays, barrels, drums, tanks, transport vessels, or other bulk containers used to store or contain red raspberries intended for further processing.

(2) "**Damage**" means any defect or any combination of defects, which materially detract from the appearance, or the edible or marketing quality of red raspberries.

(3) "**Graded**" means red raspberries that have been visually inspected and determined to meet the standards set forth in WAC 16-143-030.

(4) "**Juice stock red raspberries**" means any red raspberries destined for the production of red raspberry juice, red raspberry juice concentrate, or any other product listed in WAC 16-143-080. Washington No. 1 processing grade red raspberries as defined in this chapter or unclassified red raspberries may be used for juice stock.

(5) "**Pasteurized**" means the product has been subjected to heat or other approved treatment sufficient to kill harmful microorganisms.

(6) "**Serious damage**" means any defect, or any combination of defects, which seriously detract from the appearance, or the edible or marketing quality of the red raspberry. Red raspberries which are badly deformed, leaky, moldy, decayed, or from which the core has not been removed shall be considered seriously damaged.

(7) "**Ultra-filtration**" means filtering to a very high level sufficient to remove foreign material including microorganisms and mold from the product.

(8) "**Washington No. 1 processing grade red raspberries**" are defined in WAC 16-143-030.

(9) "**Well-colored**" means that the whole surface of the red raspberry shows a color characteristic of a mature red raspberry.

(10) "**Well-developed**" means that the red raspberry is not misshapen because of anthracnose injury, frost injury, lack of pollination, insect injury, or other causes.

#### NEW SECTION

**WAC 16-143-030 What are the Washington No. 1 processing grade standards for red raspberries?** To qualify for the Washington No. 1 processing grade, red raspberries must be washed, sorted and graded at a licensed food processing facility and must meet the following standards:

- (1) The red raspberries must be well-colored and well-developed;
- (2) The red raspberries must be free from cores, mold, decay, dirt, leaves, or other foreign material;
- (3) The red raspberries must not be damaged by shriveling, moisture, disease, or insects;
- (4) The red raspberries must not have more than eight of twenty-five fields with mold hyphae as determined by the Howard Mold Count or equivalent analysis.

(5) Not more than ten percent by volume of the red raspberries in any lot may fail to meet the requirements for Washington No. 1 processing grade because of serious damage by any cause, and not more than two percent of the ten percent may be affected by mold or decay. Individual samples may contain not more than one and one-half times this tolerance,

even if the average of all the samples from the lot are within this specified tolerance.

#### NEW SECTION

**WAC 16-143-040 When are red raspberries considered "unclassified"?** Red raspberries that:

- (1) Fail to meet the Washington No. 1 processing grade standards; or
- (2) Are not graded; or
- (3) Are in unmarked containers, are considered "unclassified." The term "unclassified" means no grade has been applied to the lot.

#### NEW SECTION

**WAC 16-143-050 What type of markings will be acceptable on each container?** Marking requirements for red raspberry containers are:

- (1) Washington No. 1 processing grade red raspberry containers may be marked with the name and address of the grower, packer, shipper, and must be prominently marked with the grade "Washington No. 1 Processing Grade Red Raspberries."
- (2) Any combination of Washington No. 1 processing grade red raspberries and unclassified red raspberries must be in containers prominently marked "juice stock red raspberries."
- (3) Unclassified red raspberries must be in containers that are prominently marked "juice stock red raspberries."

#### NEW SECTION

**WAC 16-143-060 How may Washington No. 1 processing grade red raspberries be used, processed or sold?** Washington No. 1 processing grade red raspberries may be used or sold for straight pack, individually quick frozen (IQF), puree stock, puree concentrate, juice, juice concentrate, or for any other type of use.

#### NEW SECTION

**WAC 16-143-070 What are the requirements of red raspberry puree stock?** Red raspberry puree stock must be red raspberries that meet Washington No. 1 processing grade standards and have been graded and cleaned, washed, and sorted in a licensed food processing facility to remove harmful or foreign material.

#### NEW SECTION

**WAC 16-143-080 How must product designated or marked as juice stock red raspberries be used, processed or sold?** Product designated or marked as "juice stock red raspberries" must be used and sold only for processing into wine, ultra-filtered, or pasteurized juice products or juice concentrate filtered sufficiently to remove foreign material including mold from the product, or for distilling.

#### NEW SECTION

**WAC 16-143-090 What uses are prohibited for juice stock red raspberries?** Red raspberries designated or marked as "juice stock red raspberries" may not be sold or used to produce puree, puree concentrate or any red raspberry products other than those designated in WAC 16-143-080.

#### NEW SECTION

**WAC 16-143-100 What are the restrictions on use of adulterated red raspberries or red raspberry products?** Any red raspberries or red raspberry products that are adulterated under RCW 69.04.210, including through the deliberate addition of moldy product, or any red raspberries or red raspberry products containing unacceptable levels of filth or mold, may not be sold or processed for any purpose.

#### NEW SECTION

**WAC 16-143-110 Where may guidelines for safe production of red raspberries be found?** Guidelines for the safe production of red raspberries and other agricultural products may be found in the Food and Drug Administration's *Good Agricultural Practices Guidelines*. This document can be obtained on request from the Washington State Department of Agriculture, Food Safety Program, P.O. Box 42560, Olympia, WA 98504-2560.

**WSR 00-08-030**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed March 28, 2000, 1:24 p.m.]

Title of Rule: Treatment of cash payments made in lieu of unused leave.

Purpose: To advise members of teachers retirement system (TRS) Plan 1 what compensation can be included in calculating their retirement benefit.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.32.010 (10)(a).

Summary: This WAC advises TRS Plan 1 members that compensation in lieu of unused annual leave may be considered earnable compensation for Plan 1 members in their retirement benefit calculations under RCW 41.32.010 (10)(a). It advises members how average final compensation is calculated when unused leave is included in the calculation.

Reasons Supporting Proposal: The WAC refers to WAC 415-112-410 which has been repealed and replaced with WAC 415-112-4605. The WAC should be corrected to advise members, employers and other interested parties of the accurate, updated WAC reference.

Name of Agency Personnel Responsible for Drafting: Elyette Weinstein, 6835 Capitol Boulevard, Tumwater, (360) 664-7307; Implementation and Enforcement: Margaret Wimmer, 6835 Capitol Boulevard, Tumwater, (360) 664-7044.

Name of Proponent: Department of Retirement Systems, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This WAC advises TRS Plan 1 members that cash compensation in lieu of unused annual leave may be considered earnable compensation for Plan 1 member retirement benefit calculations under RCW 41.32.010 (10)(a). It advises members how average final compensation is calculated when unused annual leave is included in the calculation.

The proposed change involves updating this rule so that it no longer refers to a repealed WAC and instead, cross references the current recodified WAC number. This technical change will provide clarification and avoid confusion.

Proposal Changes the Following Existing Rules: This WAC advises TRS Plan 1 members that cash compensation in lieu of unused annual leave may be considered earnable compensation for Plan 1 member retirement benefit calculations under RCW 41.32.010 (10)(a). It advises members how average final compensation is calculated when unused annual leave is included in the calculation.

The proposed change involves updating this rule so that it no longer refers to repealed WAC 415-112-410 and instead, cross references current recodified WAC 415-112-4605. This technical change will provide clarification and avoid confusion.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE  
 ADOPTED USING AN EXPEDITED RULE-MAKING**

PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Elyette M. Weinstein, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, AND RECEIVED BY June 6, 2000.

March 28, 2000

Elyette M. Weinstein  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-23-049, filed 11/10/94, effective 12/11/94)

**WAC 415-112-415 Treatment of cash payments made in lieu of unused leave—First-in-first-out accounting method for determining when leave earned—Forms of leave deemed excess compensation—Conversions.** (1) Cash compensation in lieu of unused annual leave may be considered earnable compensation for Plan I members subject to the provisions of RCW 41.32.010 (10)(a) and WAC ((415-112-410)) 415-112-4605. Employers may not limit the inclusion of cash compensation paid in lieu of unused annual leave as compensation earnable in conflict with RCW 41.32.010 (10)(a). Provisions of collective bargaining agreements, employment and administrative policies or other rules applied by an employer that conflict with RCW 41.32.010 (10)(a) and rules adopted thereunder are without legal effect.

(2) When an employer provides cash compensation in lieu of unused annual leave, the department applies a first-in-first-out accounting method to determine when the compensated leave was earned and when or whether the leave was used or cashed out, unless the employer has in place a regulation, charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates when the cashed out leave was accrued, or a different method of accounting for the accrual and use of leave, and, if applicable, compensation for unused leave and the same such method is consistently applied in each instance and for all purposes.

Any employer's policy which is not consistent for all purposes which is contained in a regularly negotiated labor agreement in effect on the effective date of this section will be honored until the expiration date of the agreement not including any extensions at which time it will be brought into compliance with this section. Any employer's policy which is not consistent for all purposes which is established by the employer shall be brought into compliance within sixty days of the effective date of this section. In the event an employer fails to come into full compliance with this section by the dates established herein, the department will treat cashed out leave on the same basis as the employer has established for using leave.

(3) A cash out of leave which is not annual leave as defined under WAC 415-112-015, shall be treated by the

**EXPEDITED ADOPTION**

department as "any other form of leave" under RCW 41.50.150(2). The department shall bill the employer for any such leave cash out as excess compensation under RCW 41.50.150.

(4) For purposes of determining average final compensation and excess compensation, hours of leave earned by a member shall be considered for all purposes in the form in which it was earned. The department shall disregard any conversion of leave by an employer of one form to another and bill the employer for the amount converted as excess compensation pursuant to RCW 41.50.150.

**WSR 00-08-079**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 4, 2000, 10:28 a.m.]

Title of Rule: Fall protection, chapter 296-155 WAC, Parts C-1, J-1, K and O.

Purpose: November of 1996, state-initiated amendments were made to our chapter 296-155 WAC, Part C-1, Fall restraint and fall arrest, and Part K, Floor openings, wall openings and stairways. These amendments were sent to the Occupational Safety and Health Administration (OSHA) for federal approval on February 4, 1999. We received a letter dated July 27, 1999, from OSHA indicating to us that there were areas in our standard that did not meet the "at-least-as-effective-as" mandate, therefore, amendments must be made to bring our requirements into compliance with the federal requirements.

The following are the federal-initiated proposed changes:

**WAC 296-155-24501 Scope and application.**

- Add a clarifying note relating to nonmandatory Appendix B.

**WAC 296-155-24503 Definitions.**

- Correct a reference in the definition of "unprotected sides and edges."

**WAC 296-155-24505 Fall protection work plan.**

- Add language requiring the retraining of employees when circumstances warrant it.
- Renumber subsection.

**WAC 296-155-24510 Fall restraint, fall arrest systems.**

- Add language requiring that horizontal lifelines must be designed, installed and used under the supervision of a qualified person.
- Clarify requirements to stipulate that only locking-type snaphooks are permitted. This requirement currently resides in our positioning device system section and will be added to the fall arrest section.
- Add criteria that must be used and followed when canopies are used as protection from falling objects.
- Renumber section.

**WAC 296-155-24515 Guarding of low pitched roof perimeters.**

- Add a note referencing Appendix A.

**WAC 296-155-24520 Leading edge control zone.**

- Correct a reference.

**WAC 296-155-24521 Safety monitor system.**

- Add language requiring that the safety monitor must warn employees of fall hazards and also warn them when they are working in an unsafe manner. Further, require employees to comply promptly when warned by the safety monitor.
- Renumber section.

**WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only).**

- Correct a reference.

**WAC 296-155-483 General requirements.**

- Add language relating to horizontal lifelines used on suspended scaffolds or similar work platforms must be capable of locking in both directions on the lifeline.

**WAC 296-155-505 Guardrails, handrails and covers.**

- Add language addressing the strength and structural integrity for walking/working surfaces.
- Increase the guardrail height requirements from 36-42 inches to 39-45 inches.
- Clarify requirements for guardrail systems.
- Correct references.
- Renumber section.

**WAC 296-155-680 General provisions.**

- Add language to the "formwork" section that affects the trigger height at which fall protection is required.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, 29 C.F.R. 1926 Subpart M - Fall Protection.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Selwyn Walters, Depart-

ment of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY June 6, 2000.

April 4, 2000  
Gary Moore  
Director

**AMENDATORY SECTION** (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-24501 Scope and application.** This section sets forth requirements for employers to provide and enforce the use of fall protection for employees in construction, alteration, repair, maintenance (including painting and decorating), demolition workplaces, and material handling covered under chapter 296-155 WAC.

Note: See Appendix B for additional standards that require the use of fall restraint and/or fall arrest protection.

**AMENDATORY SECTION** (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-24503 Definitions. Anchorage** means a secure point of attachment for lifelines, lanyards, or deceleration devices which is capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.

**Approved** means, for the purpose of this section; tested and certified by the manufacturer, or any recognized national testing laboratory, to possess the strength requirements specified in this section.

**Body belt** means a Type 1 safety belt used in conjunction with lanyard or lifeline for fall restraint only.

**Full body harness** means a configuration of connected straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration devices.

**Full body harness system** means a Class III full body harness and lanyard which is attached to an anchorage meeting the requirements of chapter 296-155 WAC, Part C-1; or attached to a horizontal or vertical lifeline which is properly secured to an anchorage(s) capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.

**Catenary line** - see horizontal lifeline.

**Competent person** means an individual knowledgeable of fall protection equipment, including the manufacturers recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

**Connector** means a device which is used to couple (connect) parts of the personal fall arrest system and positioning device systems together. It may be an independent component of the system, such as a carabiner, or it may be an integral component of part of the system (such as a buckle or dee ring sewn into a body belt or body harness, or a snap hook spliced or sewn to a lanyard or self-retracting lanyard).

**Continuous fall protection** means the design and use of a fall protection system such that no exposure to an elevated fall hazard occurs. This may require more than one fall protection system or a combination of prevention or protection measures.

**Control zone** means the area between the warning line and the unprotected sides and edges of the walking/working surface.

**Deceleration device** means any mechanism, such as a rope grab, ripstitch lanyard, specifically woven lanyard, tearing or deforming lanyards, automatic self-retracting lifelines/lanyards, etc., which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy imposed on an employee during fall arrest.

**Deceleration distance** means the additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

**Drop line** means a vertical lifeline secured to an upper anchorage for the purpose of attaching a lanyard or device.

**Failure** means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

**Fall arrest system** means the use of multiple, approved safety equipment components such as; body harnesses, lanyards, deceleration devices, droplines, horizontal and/or vertical lifelines and anchorages, interconnected and rigged as to arrest a free fall. Compliance with anchorage strength requirements specified in the applicable sections of chapter 296-155 WAC, Part C-1 shall constitute approval of the anchorage.

**Fall protection work plan** means a written planning document in which the employer identifies all areas on the job site where a fall hazard of 10 feet or greater exists. The plan describes the method or methods of fall protection to be utilized to protect employees, and includes the procedures governing the installation use, inspection, and removal of the fall protection method or methods which are selected by the employer. (See WAC 296-155-24505.)

**Fall restraint system** means an approved device and any necessary components that function together to restrain an employee in such a manner as to prevent that employee from falling to a lower level. When standard guardrails are selected, compliance with applicable sections governing their construction and use shall constitute approval.

**Fall distance** means the actual distance from the worker's support to the level where a fall would stop.

**Free fall** means the act of falling before a personal fall arrest system begins to apply force to arrest the fall.

**Free fall distance** means the vertical displacement of the fall arrest attachment point on the employee's body belt or body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance

excludes deceleration distance, and lifeline/lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

**Hardware** means snap hooks, D rings, bucklers, carabiners, adjusters, O rings, that are used to attach the components of a fall protection system together.

**Horizontal lifeline** means a rail, rope, wire, or synthetic cable that is installed in a horizontal plane between two anchorages and used for attachment of a worker's lanyard or lifeline device while moving horizontally; used to control dangerous pendulum like swing falls.

**Lanyard** means a flexible line of webbing, rope, or cable used to secure a body belt or harness to a lifeline or an anchorage point usually 2, 4, or 6 feet long.

**Leading edge** means the advancing edge of a floor, roof, or formwork which changes location as additional floor, roof, or formwork sections are placed, formed, or constructed. Leading edges not actively under construction are considered to be "unprotected sides and edges," and positive methods of fall arrest or fall restraint shall be required to protect exposed workers.

**Lifeline** means a vertical line from a fixed anchorage or between two horizontal anchorages, independent of walking or working surfaces, to which a lanyard or device is secured. Lifeline as referred to in this text is one which is part of a fall protection system used as back-up safety for an elevated worker.

**Locking snap hook** means a connecting snap hook that requires two separate forces to open the gate; one to deactivate the gatekeeper and a second to depress and open the gate which automatically closes when released; used to minimize roll out or accidental disengagement.

**Low pitched roof** means a roof having a slope equal to or less than 4 in 12.

**Mechanical equipment** means all motor or human propelled wheeled equipment except for wheelbarrows, mop-carts, robotic thermoplastic welders and robotic crimpers.

**Positioning belt** means a single or multiple strap that can be secured around the worker's body to hold the user in a work position; for example, a lineman's belt, a rebar belt, or saddle belt.

**Positioning device system** means a body belt or body harness system rigged to allow an employee to be supported on an elevated vertical surface, such as a wall, and work with both hands free while leaning.

**Restraint line** means a line from a fixed anchorage or between two anchorages to which an employee is secured in such a way as to prevent the worker from falling to a lower level.

**Roll out** means unintentional disengagement of a snap hook caused by the gate being depressed under torque or contact while twisting or turning; a particular concern with single action snap hooks that do not have a locking gatekeeper.

**Roof** means the exterior surface on the top of a building. This does not include floors or form work which, because a building has not been completed, temporarily become the top surface of a building.

**Roofing work** means the hoisting, storage, application, and removal of roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

**Rope grab** means a fall arrester that is designed to move up or down a lifeline suspended from a fixed overhead or horizontal anchorage point, or lifeline, to which the belt or harness is attached. In the event of a fall, the rope grab locks onto the lifeline rope through compression to arrest the fall. The use of a rope grab device is restricted for all restraint applications. (Refer to WAC 296-155-24510 (1)(b)(iii)).

**Safety line** - see lifeline.

**Safety monitor system** means a system of fall restraint used in conjunction with a warning line system only, where a competent person as defined by this part, having no additional duties, monitors the proximity of workers to the fall hazard when working between the warning line and the unprotected sides and edges including, the leading edge of a low pitched roof or walking/working surface.

**Self retracting lifeline** means a deceleration device which contains a drum wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which after onset of a fall, automatically locks the drum and arrests the fall.

**Shock absorbing lanyard** means a flexible line of webbing, cable, or rope used to secure a body belt or harness to a lifeline or anchorage point that has an integral shock absorber.

**Single action snap hook** means a connecting snap hook that requires a single force to open the gate which automatically closes when released.

**Snap hook** means a self-closing connecting device with a gatekeeper latch or similar arrangement that will remain closed until manually opened. This includes single action snap hooks that open when the gatekeeper is depressed and double action snap hooks that require a second action on a gatekeeper before the gate can be opened.

**Static line** - see horizontal lifeline.

**Strength member** means any component of a fall protection system that could be subject to loading in the event of a fall.

**Steep roof** means a roof having a slope greater than 4 in 12.

**Unprotected sides and edges** means any side or edge (except at entrances to points of access) of a floor, roof, ramp or runway where there is no wall or guardrail system as defined in WAC 296-155-505((5)) (7).

**Walking/working surface** means for the purpose of this section, any area whose dimensions are 45 inches or greater in all directions, through which workers pass or conduct work.

**Warning line system** means a barrier erected on a walking and working surface or a low pitch roof (4 in 12 or less), to warn employees that they are approaching an unprotected fall hazard(s).

**Work area** means that portion of a walking/working surface where job duties are being performed.

**AMENDATORY SECTION** (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-24505 Fall protection work plan.** (1)

The employer shall develop and implement a written fall protection work plan including each area of the work place where the employees are assigned and where fall hazards of 10 feet or more exist.

(2) The fall protection work plan shall:

(a) Identify all fall hazards in the work area.

(b) Describe the method of fall arrest or fall restraint to be provided.

(c) Describe the correct procedures for the assembly, maintenance, inspection, and disassembly of the fall protection system to be used.

(d) Describe the correct procedures for the handling, storage, and securing of tools and materials.

(e) Describe the method of providing overhead protection for workers who may be in, or pass through the area below the work site.

(f) Describe the method for prompt, safe removal of injured workers.

(g) Be available on the job site for inspection by the department.

(3) Prior to permitting employees into areas where fall hazards exist the employer shall:

(a) Ensure that employees are trained and instructed in the items described in subsection (2)(a) through (f) of this section.

(b) Inspect fall protection devices and systems to ensure compliance with WAC 296-155-24510.

(4) Training of employees (~~as required by this section shall be documented and shall be available on the job site~~):

(a) The employer shall ensure that employees are trained as required by this section. Training shall be documented and shall be available on the job site.

(b) "Retraining." When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by subsection (1) of this section, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:

- Changes in the workplace render previous training obsolete; or

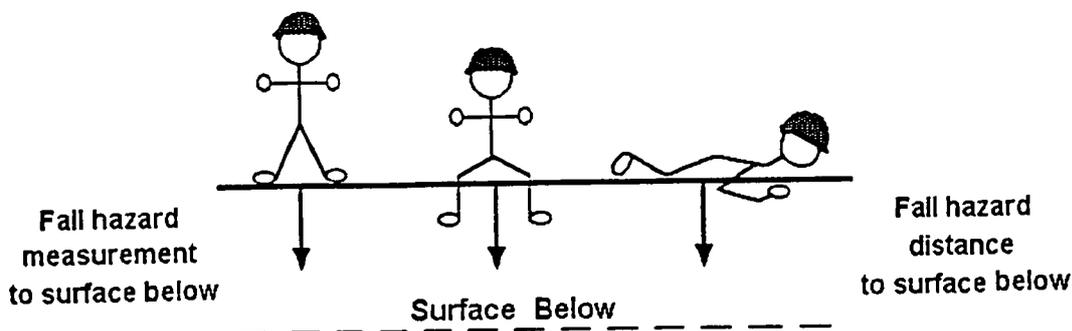
- Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or

- Inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

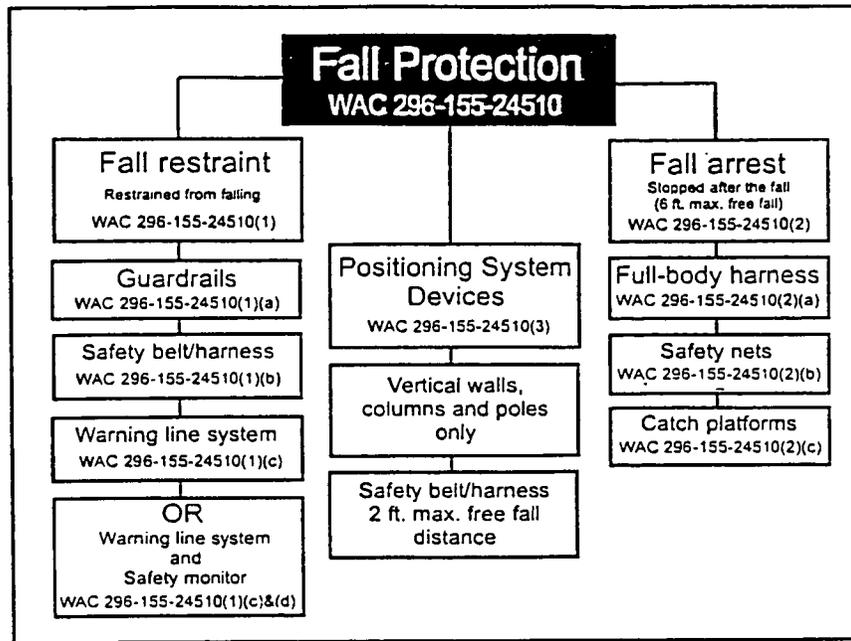
Note: The following appendices to Part C-1 of this chapter serve as nonmandatory guidelines to assist employers in complying with the appropriate requirements of Part C-1 of this chapter.

**AMENDATORY SECTION** (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-24510 Fall restraint, fall arrest systems.** When employees are exposed to a hazard of falling from a location 10 feet or more in height, the employer shall ensure that fall restraint, fall arrest systems or positioning device systems are provided, installed, and implemented according to the following requirements.



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- (1) Fall restraint protection shall consist of:
  - (a) Standard guardrails as described in chapter 296-155 WAC, Part K.
  - (b) Safety belts and/or harness attached to securely rigged restraint lines.
    - (i) Safety belts and/or harness shall conform to ANSI Standard:
      - Class I body belt
      - Class II chest harness
      - Class III full body harness
      - Class IV suspension/position belt
    - (ii) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.
    - (iii) Rope grab devices are prohibited for fall restraint applications unless they are part of a fall restraint system designed specifically for the purpose by the manufacturer, and used in strict accordance with the manufacturer's recommendations and instructions.
    - (iv) The employer shall ensure component compatibility.
    - (v) Components of fall restraint systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.
    - (vi) Anchorage points used for fall restraint shall be capable of supporting 4 times the intended load.
    - (vii) Restraint protection shall be rigged to allow the movement of employees only as far as the sides and edges of the walking/working surface.
    - (c) A warning line system as prescribed in WAC 296-155-24515(3) and supplemented by the use of a safety monitor system as prescribed in WAC 296-155-24521 to protect workers engaged in duties between the forward edge of the

- warning line and the unprotected sides and edges, including the leading edge, of a low pitched roof or walking/working surface.
- (d) Warning line and safety monitor systems as described in WAC 296-155-24515 (3) through (4)(f) and WAC 296-155-24520 respectively are prohibited on surfaces exceeding a 4 in 12 pitch, and on any surface whose dimensions are less than 45 inches in all directions.
- (2) Fall arrest protection shall consist of:
  - (a) Full body harness system.
    - (i) An approved Class III full body harness shall be used.
    - (ii) Body harness systems or components subject to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.
    - (iii) All safety lines and lanyards shall be protected against being cut or abraded.
    - (iv) The attachment point of the body harness shall be located in the center of the wearer's back near shoulder level, or above the wearer's head.
    - (v) Body harness systems shall be rigged to minimize free fall distance with a maximum free fall distance allowed of 6 feet, and such that the employee will not contact any lower level.
    - (vi) Hardware shall be drop forged, pressed or formed steel, or made of materials equivalent in strength.
    - (vii) Hardware shall have a corrosion resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attached body harness or lanyard.
    - (viii) When vertical lifelines (droplines) are used, not more than one employee shall be attached to any one lifeline.

Note: The system strength needs in the following items are based on a total combined weight of employee and tools of no more than 310 pounds. If combined weight is more than

310 pounds, appropriate allowances must be made or the system will not be deemed to be in compliance.

(ix) Full body harness systems shall be secured to anchorages capable of supporting 5,000 pounds per employee except: When self retracting lifelines or other deceleration devices are used which limit free fall to two feet, anchorages shall be capable of withstanding 3,000 pounds.

(x) Vertical lifelines (droplines) shall have a minimum tensile strength of 5,000 pounds (22.2 kN), except that self retracting lifelines and lanyards which automatically limit free fall distance to two feet (.61 m) or less shall have a minimum tensile strength of 3,000 pounds (13.3 kN).

~~(xi) Horizontal lifelines shall ((have a tensile strength capable of supporting a fall impact load of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline)) be designed, installed, and used, under the supervision of a qualified person, as part of a complete personal fall arrest system, which maintains a safety factor of at least two.~~

(xii) Lanyards shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(xiii) All components of body harness systems whose strength is not otherwise specified in this subsection shall be capable of supporting a minimum fall impact load of 5,000 pounds (22.2 kN) applied at the lanyard point of connection.

~~(xiv) ((Snap hooks shall not be connected to loops made in webbing type lanyards.~~

~~(xv) Snap hooks shall not be connected to each other.~~

~~(xvi) Not more than one snap hook shall be connected to any one D ring unless they are the double locking type-)) Dee-rings and snap-hooks shall be proof-tested to a minimum tensile load of 3,600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.~~

(xv) Snap-hooks shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member.

(xvi) Unless the snap-hook is designed for the following connections, snap-hooks shall not be engaged:

(A) Directly to webbing, rope or wire rope;

(B) To each other;

(C) To a dee-ring to which another snap-hook or other connector is attached;

(D) To a horizontal lifeline; or

(E) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that unintentional disengagement could occur by the connected object being able to depress the snap-hook keeper and release itself.

(xvii) Full body harness systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(b) Safety net systems. Safety net systems and their use shall comply with the following provisions:

(i) Safety nets shall be installed as close as practicable under the surface on which employees are working, but in no case more than 30 feet (9.1 m) below such level unless spe-

cifically approved in writing by the manufacturer. The potential fall area to the net shall be unobstructed.

(ii) Safety nets shall extend outward from the outermost projection of the work surface as follows:

Vertical distance from working level to horizontal plane of net	Minimum required horizontal distance of outer edge of net from the edge of the working surface
Up to 5 feet .....	8 feet
More than 5 feet up to 10 feet ...	10 feet
More than 10 feet .....	13 feet

(iii) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in (b)(iv) of this subsection.

(iv) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in (b)(iv)(A) and (B) of this subsection.

(A) Except as provided in (b)(iv)(B) of this subsection, safety nets and safety net installations shall be drop-tested at the job site after initial installation and before being used as a fall protection system, whenever relocated, after major repair, and at 6-month intervals if left in one place. The drop-test shall consist of a 400 pound (180 kg) bag of sand 30 ± 2 inches (76 ± 5 cm) in diameter dropped into the net from the highest walking/working surface at which employees are exposed to fall hazards, but not from less than 42 inches (1.1 m) above that level.

(B) When the employer can demonstrate that it is unreasonable to perform the drop-test required by (b)(iv)(A) of this subsection, the employer (or a designated competent person) shall certify that the net and net installation is in compliance with the provisions of (b)(iii) and (b)(iv)(A) of this subsection by preparing a certification record prior to the net being used as a fall protection system. The certification record must include an identification of the net and net installation for which the certification record is being prepared; the date that it was determined that the identified net and net installation were in compliance with (b)(iii) of this subsection and the signature of the person making the determination and certification. The most recent certification record for each net and net installation shall be available at the job site for inspection.

(v) Defective nets shall not be used. Safety nets shall be inspected at least once a week for wear, damage, and other deterioration. Defective components shall be removed from service. Safety nets shall also be inspected after any occurrence which could affect the integrity of the safety net system.

(vi) Materials, scrap pieces, equipment, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.

(vii) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm<sup>2</sup>) nor be longer than 6 inches (15 cm) on any side, and the opening, measured center-to-center of mesh ropes or webbing, shall not be longer than 6 inches (15 cm). All mesh crossings shall be secured to prevent enlargement of the mesh opening.

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(viii) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).

(ix) Connections between safety net panels shall be as strong as integral net components and shall be spaced not more than 6 inches (15 cm) apart.

(c) Catch platforms.

(i) A catch platform shall be installed within 10 vertical feet of the work area.

(ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.

(3) Positioning device systems. Positioning device systems and their use shall conform to the following provisions:

(a) Positioning devices shall be rigged such that an employee cannot free fall more than 2 feet (.61 m).

(b) Positioning devices shall be secured to an anchorage capable of supporting at least twice the potential impact load of an employee's fall or 3,000 pounds (13.3 kN), whichever is greater.

(c) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.

(d) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of this system.

(e) Connecting assemblies shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(f) Dee-rings and snap-hooks shall be proof-tested to a minimum tensile load of 3,600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(g) Snap-hooks (~~shall be sized to be compatible with the member to which they are connected to prevent unintentional disengagement of the snap hook by depression of the snap-hook keeper by the connected member, or~~) shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member. (~~As of January 1, 1998, only locking type snap-hooks shall be used.~~)

(h) Unless the snap-hook is (~~a locking type and~~) designed for the following connections, snap-hooks shall not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that unintentional disengagement could occur by the connected object being able to depress the snap-hook keeper and release itself.

(i) Positioning device systems shall be inspected prior to each use for wear, damage, and other deterioration, and defective components shall be removed from service.

(j) Body belts, harnesses, and components shall be used only for employee protection (as part of a personal fall arrest system or positioning device system) and not to hoist materials.

(4) Droplines or lifelines used on rock scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8 inch wire core

manila rope. For all other lifeline applications, a minimum of 3/4 inch manila or equivalent, with a minimum breaking strength of 5,000 pounds, shall be used.

(5) Safety harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work performed in permit required confined spaces and other confined spaces shall follow the procedures as described in chapter 296-62 WAC, Part M.

(b) Work on hazardous slopes, or dismantling safety nets, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

(6) Canopies, when used as falling object protection, shall be strong enough to prevent collapse and to prevent penetration by any objects which may fall onto the canopy.

AMENDATORY SECTION (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-24515 Guarding of low pitched roof perimeters.** (1) General provisions. During the performance of work on low pitched roofs with a potential fall hazard greater than 10 feet, the employer shall ensure that employees engaged in such work be protected from falling from all unprotected sides and edges of the roof as follows:

(a) By the use of a fall restraint or fall arrest systems, as defined in WAC 296-155-24510; or

(b) By the use of a warning line system erected and maintained as provided in subsection (3) of this section and supplemented for employees working between the warning line and the roof edge by the use of a safety monitor system as described in WAC 296-155-24521.

(c) Mechanical equipment shall be used or stored only in areas where employees are protected by a warning line system, or fall restraint, or fall arrest systems as described in WAC 296-155-24510. Mechanical equipment may not be used or stored where the only protection is provided by the use of a safety monitor.

(2) Exceptions.

(a) The provisions of subsection (1)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subsection (4) of this section.

(b) Employees engaged in roofing on low-pitched roofs less than 50 feet wide, may elect to use a safety monitor system without warning lines.

Note: See Appendix A to Part C-1—Determining roof widths nonmandatory guidelines for complying with WAC 296-155-24515 (2)(b).

(3) Warning lines systems.

(a) Warning lines shall be erected around all sides of the work area.

(i) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the edge of the roof.

(ii) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(b) The warning line shall consist of a rope, wire, or chain and supporting stanchions erected as follows:

(i) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meter) intervals with high visibility material.

(ii) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 36 inches (91.4 cm) from the roof surface and its highest point is no more than 42 inches (106.7 cm) from the roof surface.

(iii) After being erected, with the rope, wire or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge.

(iv) The rope, wire, or chain shall have a minimum tensile strength of 200 pounds (90 kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions.

(v) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(c) Access paths shall be erected as follows:

(i) Points of access, materials handling areas, and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(ii) When the path to a point of access is not in use, a rope, wire, or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

(4) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low pitched roof with a ground to eave height greater than 10 feet shall be protected from falling along all unprotected roof sides and edges of the area.

(a) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(b) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(c) When guardrails are used at bitumen pipe outlet, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(d) When safety belt/harness systems are used, they shall not be attached to the hoist.

(e) When fall restraint systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(f) Materials shall not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

**AMENDATORY SECTION** (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-24520 Leading edge control zone.** (1) When performing leading edge work, the employer shall ensure that a control zone be established according to the following requirements:

(a) The control zone shall begin a minimum of 6 feet back from the leading edge to prevent exposure by employees who are not protected by fall restraint or fall arrest systems.

(b) The control zone shall be separated from other areas of the low pitched roof or walking/working surface by the erection of a warning line system.

(c) The warning line system shall consist of wire, rope, or chain supported on stanchions, or a method which provides equivalent protection.

(d) The spacing of the stanchions and support of the line shall be such that the lowest point of the line (including sag) is not less than 36 inches from the walking/working surface, and its highest point is not more than 42 inches (106.7 cm) from the walking/working surface.

(e) Each line shall have a minimum tensile strength of 200 pounds (90 kilograms).

(f) Each line shall be flagged or clearly marked with high visibility materials at intervals not to exceed 6 feet.

(g) After being erected with the rope, or chain attached, stanchions shall be capable of resisting without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchions 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line and in the direction of the roof edge.

(2) When positive means of fall restraint as described in WAC 296-155-24510 (1)(a) through (d), or fall arrest as described in WAC 296-155-24510 (2) through ~~((5)(e))~~ (6) are not utilized, a safety monitor system as described in WAC 296-155-24521 shall be implemented to protect employees working between the forward edge of the warning line and the leading edge.

**AMENDATORY SECTION** (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-24521 Safety monitor system.** (1) A safety monitor system (SMS) may be used in conjunction with a warning line system as a method of guarding against falls during work on low pitched roofs and leading edge work only.

(2) When selected, the employer shall ensure that the safety monitor system shall be addressed in the fall protection work plan, include the name of the safety monitor(s) and the extent of their training in both the safety monitor and warning line systems, and shall ensure that the following requirements are met.

(3) The safety monitor system shall not be used when adverse weather conditions create additional hazards.

(4) A person acting in the capacity of safety monitor(s) shall be trained in the function of both the safety monitor and warning lines systems, and shall:

(a) Be a competent person as defined in WAC 296-155-24503.

(b) Have control authority over the work as it relates to fall protection.

(c) Be instantly distinguishable over members of the work crew.

(d) Engage in no other duties while acting as safety monitor.

(e) Be positioned in relation to the workers under their protection, so as to have a clear, unobstructed view and be able to maintain normal voice communication.

(f) Not supervise more than eight exposed workers at one time.

(g) Warn the employee when it appears that the employee is unaware of a fall hazard or is acting in an unsafe manner.

(5) Control zone;

(a) Workers shall be distinguished from other members of the crew by wearing highly visible, distinctive, and uniform apparel readily distinguishing them from other members of the crew only while in the control zone.

(b) The employer shall ensure that each employee working in a control zone promptly comply with fall hazard warnings from safety monitors.

**AMENDATORY SECTION** (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

**WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only).** Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480 (1)(r) WAC 296-155-480 (1)(s)
Scaffolds	WAC 296-155-483(7)
Boom Supported Elevating Work Platforms	WAC 296-155-489
Vehicle Mounted Elevated and Rotating Work Platforms	WAC 296-155-490 (2)(b)(v)
Crane and Derrick Supported Work Platforms	WAC 296-155-528 (6)(c) WAC 296-155-528 (6)(d) WAC 296-155-528 (7)(i) WAC 296-155-528 (7)(j) WAC 296-155-528 (7)(k) WAC 296-155-528 (10)(h)
Open Sided Floors	WAC 296-155-505 ((4)) (6)(a) through (f)
Pile Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705 (2)(b)
Tunneling (Skips and Platforms)	WAC 296-155-730 (8)(e)

**AMENDATORY SECTION** (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

**WAC 296-155-483 General requirements.** This section does not apply to manually propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-155-487.

This section does not apply to self-propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-155-488.

This section does not apply to boom supported elevating work platforms, the criteria for which are set out exclusively in WAC 296-155-489.

This section does not apply to aerial lifts, the criteria for which are set out exclusively in WAC 296-155-490.

(1) "Capacity"

(a) Except as provided in (b), (c), (d), and (e) of this subsection and subsection (7) of this section, each scaffold and scaffold component shall be capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it.

(b) Direct connections to roofs and floors, and counterweights used to balance adjustable suspension scaffolds, shall be capable of resisting at least 4 times the tipping moment imposed by the scaffold operating at the rated load of the hoist, or 1.5 (minimum) times the tipping moment imposed by the scaffold operating at the stall load of the hoist, whichever is greater.

(c) Each suspension rope, including connecting hardware, used on nonadjustable suspension scaffolds shall be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope.

(d) Each suspension rope, including connecting hardware, used on adjustable suspension scaffolds shall be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope with the scaffold operating at either the rated load of the hoist, or 2 (minimum) times the stall load of the hoist, whichever is greater.

(e) The stall load of any scaffold hoist shall not exceed 3 times its rated load.

(f) Scaffolds shall be designed by a qualified person and shall be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with subsection (1) of this section.

(2) "Scaffold platform construction."

(a) Each platform on all working levels of scaffolds shall be fully planked or decked between the front uprights and the guardrail supports as follows:

(i) Each platform unit (e.g., scaffold plank, fabricated plank, fabricated deck, or fabricated platform) shall be installed so that the space between adjacent units and the space between the platform and the uprights is no more than 1 inch (2.5 cm) wide, except where the employer can demonstrate that a wider space is necessary (for example, to fit around uprights when side brackets are used to extend the width of the platform).

(ii) Where the employer makes the demonstration provided for in subsection (2)(a)(i) of this section, the platform

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shall be planked or decked as fully as possible and the remaining open space between the platform and the uprights shall not exceed 9 1/2 inches (24.1 cm).

Exception to subsection (2)(a) of this section: The requirement in subsection (2)(a) of this section to provide full planking or decking does not apply to platforms used solely as walkways or solely by employees performing scaffold erection or dismantling. In these situations, only the planking necessary to provide safe working conditions is required. Employees on those platforms shall be protected from fall hazards in accordance with subsection (7) of this section.

(b) Except as provided in subsection (2)(b)(i) and (ii) of this section, each scaffold platform and walkway shall be at least 18 inches (46 cm) wide.

(i) Each ladder jack scaffold, top plate bracket scaffold, roof bracket scaffold, and pump jack scaffold shall be at least 12 inches (30 cm) wide. There is no minimum width requirement for boatswains' chairs.

(ii) Where scaffolds must be used in areas that the employer can demonstrate are so narrow that platforms and walkways cannot be at least 18 inches (46 cm) wide, such platforms and walkways shall be as wide as feasible, and employees on those platforms and walkways shall be protected from fall hazards by the use of guardrails and/or personal fall arrest systems.

(c) Except as provided in subsection (2)(c)(i) and (ii) of this section, the front edge of all platforms shall not be more than 14 inches (36 cm) from the face of the work, unless guardrail systems are erected along the front edge and/or personal fall arrest systems are used in accordance with subsection (7) of this section to protect employees from falling.

(i) The maximum distance from the face for outrigger scaffolds shall be 3 inches (8 cm);

(ii) The maximum distance from the face for plastering and lathing operations shall be 18 inches (46 cm).

(d) Each end of a platform, unless cleated or otherwise restrained by hooks or equivalent means, shall extend over the centerline of its support at least 6 inches (15 cm).

(e) Unless the platform is designed and installed so that the cantilevered portion of the platform is able to support employees and/or materials without tipping, or has guardrails which block employee access to the cantilevered end, the end of a platform shall not extend over its support more than:

(i) 12 inches (30 cm) for platforms 10 feet or less in length;

(ii) 18 inches (46 cm) for platforms greater than 10 feet in length.

(f) On scaffolds where scaffold planks are abutted to create a long platform, each abutted end shall rest on a separate support surface. This provision does not preclude the use of common support members, such as "T" sections, to support abutting planks, or hook on platforms designed to rest on common supports.

(g) On scaffolds where platforms are overlapped to create a long platform, the overlap shall occur only over supports, and shall not be less than 12 inches (30 cm) unless the platforms are nailed together or otherwise restrained to prevent movement.

(h) At all points of a scaffold where the platform changes direction, such as turning a corner, any platform that rests on

a bearer at an angle other than a right angle shall be laid first, and platforms which rest at right angles over the same bearer shall be laid second, on top of the first platform.

(i) Wood platforms shall not be covered with opaque finishes, except that platform edges may be covered or marked for identification. Platforms may be coated periodically with wood preservatives, fire-retardant finishes, and slip-resistant finishes; however, the coating may not obscure the top or bottom wood surfaces.

(j) Scaffold components shall not be intermixed unless the components fit together without force and the scaffold's structural integrity is maintained by the user. Scaffold components shall not be modified in order to intermix them unless a qualified person determines the resulting scaffold is structurally sound.

(k) Scaffold components made of dissimilar metals shall not be used together unless a competent person has determined that galvanic action will not reduce the strength of any component to a level below that required by subsection (1)(a) of this section.

(3) "Criteria for supported scaffolds."

(a) Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) shall be restrained from tipping by guying, tying, bracing, or equivalent means, as follows:

(i) Guys, ties, and braces shall be installed at locations where horizontal members support both inner and outer legs.

(ii) Guys, ties, and braces shall be installed according to the scaffold manufacturer's recommendations or at the closest horizontal member to the 4:1 height and be repeated vertically at locations of horizontal members every 20 feet (6.1 m) or less thereafter for scaffolds 3 feet (0.91 m) wide or less, and every 26 feet (7.9 m) or less thereafter for scaffolds greater than 3 feet (0.91 m) wide. The top guy, tie or brace of completed scaffolds shall be placed no further than the 4:1 height from the top. Such guys, ties and braces shall be installed at each end of the scaffold and at horizontal intervals not to exceed 30 feet (9.1 m) (measured from one end (not both) towards the other).

(b) Ties, guys, braces, or outriggers shall be used to prevent the tipping of supported scaffolds in all circumstances where an eccentric load, such as a cantilevered work platform, is applied or is transmitted to the scaffold.

(c) Supported scaffold poles, legs, posts, frames, and uprights shall bear on base plates resting on adequate firm foundation, such as dry compacted soil, mud sills or concrete slabs.

(i) Footings shall be level, sound, rigid, and capable of supporting the loaded scaffold without settling or displacement.

(ii) Unstable objects shall not be used to support scaffolds or platform units.

(iii) Unstable objects shall not be used as working platforms.

(iv) Front-end loaders and similar pieces of equipment shall not be used to support scaffold platforms unless they have been specifically designed by the manufacturer for such use.

(v) Fork-lifts shall not be used to support scaffold platforms unless the entire platform is attached to the fork and the

fork-lift is not moved horizontally while the platform is occupied.

(d) Supported scaffold poles, legs, posts, frames, and uprights shall be plumb and braced to prevent swaying and displacement.

(4) "Criteria for suspension scaffolds."

(a) All suspension scaffold support devices, such as outrigger beams, cornice hooks, parapet clamps, and similar devices, shall rest on surfaces capable of supporting at least 4 times the load imposed on them by the scaffold operating at the rated load of the hoist (or at least 1.5 times the load imposed on them by the scaffold at the stall capacity of the hoist, whichever is greater).

(b) Suspension scaffold outrigger beams, when used, shall be made of structural metal or equivalent strength material, and shall be restrained to prevent movement.

(c) The inboard ends of suspension scaffold outrigger beams shall be stabilized by bolts or other direct connections to the floor or roof deck, or they shall have their inboard ends stabilized by counterweights, except masons' multi-point adjustable suspension scaffold outrigger beams shall not be stabilized by counterweights.

(i) Before the scaffold is used, direct connections shall be evaluated by a competent person who shall confirm, based on the evaluation, that the supporting surfaces are capable of supporting the loads to be imposed. In addition, masons' multi-point adjustable suspension scaffold connections shall be designed by an engineer experienced in such scaffold design.

(ii) Counterweights shall be made of nonflowable material. Sand, gravel and similar materials that can be easily dislocated shall not be used as counterweights.

(iii) Only those items specifically designed as counterweights shall be used to counterweight scaffold systems. Construction materials such as, but not limited to, masonry units and rolls of roofing felt, shall not be used as counterweights.

(iv) Counterweights shall be secured by mechanical means to the outrigger beams to prevent accidental displacement.

(v) Counterweights shall not be removed from an outrigger beam until the scaffold is disassembled.

(vi) Outrigger beams which are not stabilized by bolts or other direct connections to the floor or roof deck shall be secured by tiebacks.

(vii) Tiebacks shall be equivalent in strength to the suspension ropes.

(viii) Outrigger beams shall be placed perpendicular to its bearing support (usually the face of the building or structure). However, where the employer can demonstrate that it is not possible to place an outrigger beam perpendicular to the face of the building or structure because of obstructions that cannot be moved, the outrigger beam may be placed at some other angle, provided opposing angle tiebacks are used.

(ix) Tiebacks shall be secured to a structurally sound anchorage on the building or structure. Sound anchorages include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit.

(x) Tiebacks shall be installed perpendicular to the face of the building or structure, or opposing angle tiebacks shall

be installed. Single tiebacks installed at an angle are prohibited.

(d) Suspension scaffold outrigger beams shall be:

(i) Provided with stop bolts or shackles at both ends;

(ii) Securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams;

(iii) Installed with all bearing supports perpendicular to the beam center line;

(iv) Set and maintained with the web in a vertical position; and

(v) When an outrigger beam is used, the shackle or clevis with which the rope is attached to the outrigger beam shall be placed directly over the center line of the stirrup.

(e) Suspension scaffold support devices such as cornice hooks, roof hooks, roof irons, parapet clamps, or similar devices shall be:

(i) Made of steel, wrought iron, or materials of equivalent strength;

(ii) Supported by bearing blocks; and

(iii) Secured against movement by tiebacks installed at right angles to the face of the building or structure, or opposing angle tiebacks shall be installed and secured to a structurally sound point of anchorage on the building or structure. Sound points of anchorage include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit.

(iv) Tiebacks shall be equivalent in strength to the hoisting rope.

(f) When winding drum hoists are used on a suspension scaffold, they shall contain not less than four wraps of the suspension rope at the lowest point of scaffold travel. When other types of hoists are used, the suspension ropes shall be long enough to allow the scaffold to be lowered to the level below without the rope end passing through the hoist, or the rope end shall be configured or provided with means to prevent the end from passing through the hoist.

(g) The use of repaired wire rope as suspension rope is prohibited.

(h) Wire suspension ropes shall not be joined together except through the use of eye splice thimbles connected with shackles or coverplates and bolts.

(i) The load end of wire suspension ropes shall be equipped with proper size thimbles and secured by eyesplicing or equivalent means.

(j) Ropes shall be inspected for defects by a competent person prior to each workshift and after every occurrence which could affect a rope's integrity. Ropes shall be replaced if any of the following conditions exist:

(i) Any physical damage which impairs the function and strength of the rope.

(ii) Kinks that might impair the tracking or wrapping of rope around the drum(s) or sheave(s).

(iii) Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay.

(iv) Abrasion, corrosion, scrubbing, flattening or peening causing loss of more than one-third of the original diameter of the outside wires.

(v) Heat damage caused by a torch or any damage caused by contact with electrical wires.

(vi) Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

(k) Swaged attachments or spliced eyes on wire suspension ropes shall not be used unless they are made by the wire rope manufacturer or a qualified person.

(l) When wire rope clips are used on suspension scaffolds:

(i) There shall be a minimum of 3 wire rope clips installed, with the clips a minimum of 6 rope diameters apart;

(ii) Clips shall be installed according to the manufacturer's recommendations;

(iii) Clips shall be retightened to the manufacturer's recommendations after the initial loading;

(iv) Clips shall be inspected and retightened to the manufacturer's recommendations at the start of each workshift thereafter;

(v) U-bolt clips shall not be used at the point of suspension for any scaffold hoist;

(vi) When U-bolt clips are used, the U-bolt shall be placed over the dead end of the rope, and the saddle shall be placed over the live end of the rope.

(m) Suspension scaffold power-operated hoists and manual hoists shall be tested by a qualified testing laboratory.

(n) Gasoline-powered equipment and hoists shall not be used on suspension scaffolds.

(o) Gears and brakes of power-operated hoists used on suspension scaffolds shall be enclosed.

(p) In addition to the normal operating brake, suspension scaffold power-operated hoists and manually operated hoists shall have a braking device or locking pawl which engages automatically when a hoist makes either of the following uncontrolled movements: An instantaneous change in momentum or an accelerated overspeed.

(q) Manually operated hoists shall require a positive crank force to descend.

(r) Two-point and multi-point suspension scaffolds shall be tied or otherwise secured to prevent them from swaying, as determined to be necessary based on an evaluation by a competent person. Window cleaners' anchors shall not be used for this purpose.

(s) Devices whose sole function is to provide emergency escape and rescue shall not be used as working platforms. This provision does not preclude the use of systems which are designed to function both as suspension scaffolds and emergency systems.

(5) "Access." This paragraph applies to scaffold access for all employees. Access requirements for employees erecting or dismantling supported scaffolds are specifically addressed in (i) of this subsection.

(a) When scaffold platforms are more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from another scaffold, structure, personnel hoist, or similar surface shall be used. Crossbraces shall not be used as a means of access.

(b) Portable, hook-on, and attachable ladders (additional requirements for the proper construction and use of portable

ladders are contained in Part J of this chapter — Stairways and ladders):

(i) Portable, hook-on, and attachable ladders shall be positioned so as not to tip the scaffold;

(ii) Hook-on and attachable ladders shall be positioned so that their bottom rung is not more than 24 inches (61 cm) above the scaffold supporting level;

(iii) When hook-on and attachable ladders are used on a supported scaffold more than 24 feet (7.3 m) high, they shall have rest platforms at 20 foot (6.1 m) maximum vertical intervals except the first platform may be up to 24 feet above the ground;

(iv) Hook-on and attachable ladders shall be specifically designed for use with the type of scaffold used;

(v) Hook-on and attachable ladders shall have a minimum rung length of 11 1/2 inches (29 cm); and

(vi) Hook-on and attachable ladders shall have uniformly spaced rungs with a maximum spacing between rungs of 16 3/4 inches.

(c) Stairway-type ladders shall:

(i) Be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level;

(ii) Be provided with rest platforms at 12-foot (3.7 m) maximum vertical intervals;

(iii) Have a minimum step width of 16 inches (41 cm), except that mobile scaffold stairway-type ladders shall have a minimum step width of 11 1/2 inches (30 cm); and

(iv) Have slip-resistant treads on all steps and landings.

(d) Stairtowers (scaffold stairway/towers) shall be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level.

(i) A stairrail consisting of a toprail and a midrail shall be provided on each side of each scaffold stairway.

(ii) The toprail of each stairrail system shall also be capable of serving as a handrail, unless a separate handrail is provided.

(iii) Handrails, and toprails that serve as handrails, shall provide an adequate handhold for employees grasping them to avoid falling.

(iv) Stairrail systems and handrails shall be surfaced to prevent injury to employees from punctures or lacerations, and to prevent snagging of clothing.

(v) The ends of stairrail systems and handrails shall be constructed so that they do not constitute a projection hazard.

(vi) Handrails, and toprails that are used as handrails, shall be at least 3 inches (7.6 cm) from other objects.

(vii) Stairrails shall be not less than 28 inches (71 cm) nor more than 37 inches (94 cm) from the upper surface of the stairrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(viii) A landing platform at least 18 inches (45.7 cm) wide by at least 18 inches (45.7 cm) long shall be provided at each level.

(ix) Each scaffold stairway shall be at least 18 inches (45.7 cm) wide between stairrails.

(x) Treads and landings shall have slip-resistant surfaces.

(xi) Stairways shall be installed between 40 degrees and 60 degrees from the horizontal.

(xii) Guardrails meeting the requirements of subsection (7)(d) of this section shall be provided on the open sides and ends of each landing.

(xiii) Riser height shall be uniform, within 1/4 inch, (0.6 cm) for each flight of stairs. Greater variations in riser height are allowed for the top and bottom steps of the entire system, not for each flight of stairs.

(xiv) Tread depth shall be uniform, within 1/4 inch, for each flight of stairs.

(e) Ramps and walkways.

(i) Ramps and walkways 4 feet (1.2 m) or more above lower levels shall have guardrail systems which comply with Part K of this chapter—Floor openings, wall openings and stairways:

(ii) No ramp or walkway shall be inclined more than a slope of one vertical to three horizontal (20 degrees above the horizontal).

(iii) If the slope of a ramp or a walkway is steeper than one vertical in eight horizontal, the ramp or walkway shall have cleats not more than fourteen inches (35 cm) apart which are securely fastened to the planks to provide footing.

(f) Integral prefabricated scaffold access frames shall:

(i) Be specifically designed and constructed for use as ladder rungs;

(ii) Have a rung length of at least 8 inches (20 cm);

(iii) Not be used as work platforms when rungs are less than 11 1/2 inches in length, unless each affected employee uses fall protection, or a positioning device, which complies with WAC 296-155-24510;

(iv) Be uniformly spaced within each frame section;

(v) Be provided with rest platforms at 20-foot (6.1 m) maximum vertical intervals on all supported scaffolds more than 24 feet (7.3 m) high; and

(vi) Have a maximum spacing between rungs of 16 3/4 inches (43 cm). Nonuniform rung spacing caused by joining end frames together is allowed, provided the resulting spacing does not exceed 16 3/4 inches (43 cm).

(g) Steps and rungs of ladder and stairway type access shall line up vertically with each other between rest platforms.

(h) Direct access to or from another surface shall be used only when the scaffold is not more than 14 inches (36 cm) horizontally and not more than 24 inches (61 cm) vertically from the other surface.

(i) Access for employees erecting or dismantling supported scaffolds shall be in accordance with the following:

(i) The employer shall provide safe means of access for each employee erecting or dismantling a scaffold where the provision of safe access is feasible and does not create a greater hazard. The employer shall have a competent person determine whether it is feasible or would pose a greater hazard to provide, and have employees use a safe means of access. This determination shall be based on site conditions and the type of scaffold being erected or dismantled.

(ii) Hook-on or attachable ladders shall be installed as soon as scaffold erection has progressed to a point that permits safe installation and use.

(iii) When erecting or dismantling tubular welded frame scaffolds, (end) frames, with horizontal members that are parallel, level and are not more than 22 inches apart vertically

may be used as climbing devices for access, provided they are erected in a manner that creates a usable ladder and provides good hand hold and foot space.

(iv) Cross braces on tubular welded frame scaffolds shall not be used as a means of access or egress.

(6) "Use."

(a) Scaffolds and scaffold components shall not be loaded in excess of their maximum intended loads or rated capacities, whichever is less.

(b) The use of shore or lean-to scaffolds is prohibited.

(c) Scaffolds and scaffold components shall be inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity.

(d) Any part of a scaffold damaged or weakened such that its strength is less than that required by subsection (1)(a) of this section shall be immediately repaired or replaced, braced to meet those provisions, or removed from service until repaired.

(e) Scaffolds shall not be moved horizontally while employees are on them, unless they have been designed by a registered professional engineer specifically for such movement or, for mobile scaffolds, where the provisions of WAC 296-155-484(23) are followed.

(f) The clearance between scaffolds and power lines shall be as follows: Scaffolds shall not be erected, used, dismantled, altered, or moved such that they or any conductive material handled on them might come closer to exposed and energized power lines than as follows:

*Insulated Lines Voltage	Minimum distance	Alternatives
Less than 300 volts.	3 feet (0.9 m)	
*300 volts to 50 kv.	10 feet (3.1 m)	
More than 50 kv. . . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	2 times the length of the line insulator, but never less than 10 feet (3.1 m).
*Uninsulated lines		
Voltage	Minimum distance	Alternatives
Less than 50 kv. . . . .	10 feet (3.1 m).	
More than 50 kv. . . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	2 times the length of the line insulator, but never less than 10 feet (3.1 m).

Exception to subsection (6)(f): Scaffolds and materials may be closer to power lines than specified above where such clearance is necessary for performance of work, and only after the utility company, or electrical system operator, has been notified of the need to work closer and the utility company, or electrical system operator, has deenergized the lines, relocated the lines, or installed protective coverings to prevent accidental contact with the lines.

(g) Scaffolds shall be erected, moved, dismantled, or altered only under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration. Such activities shall be performed only by experienced and trained employees selected for such work by the competent person.

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(h) Employees shall be prohibited from working on scaffolds covered with snow, ice, or other slippery material except as necessary for removal of such materials.

(i) Where swinging loads are being hoisted onto or near scaffolds such that the loads might contact the scaffold, tag lines or equivalent measures to control the loads shall be used.

(j) Suspension ropes supporting adjustable suspension scaffolds shall be of a diameter large enough to provide sufficient surface area for the functioning of brake and hoist mechanisms.

(k) Suspension ropes shall be shielded from heat-producing processes. When acids or other corrosive substances are used on a scaffold, the ropes shall be shielded, treated to protect against the corrosive substances, or shall be of a material that will not be damaged by the substance being used.

(l) Work on or from scaffolds is prohibited during storms or high winds unless a competent person has determined that it is safe for employees to be on the scaffold and those employees are protected by a personal fall arrest system or wind screens. Wind screens shall not be used unless the scaffold is secured against the anticipated wind forces imposed.

(m) Debris shall not be allowed to accumulate on platforms.

(n) Makeshift devices, such as but not limited to boxes and barrels, shall not be used on top of scaffold platforms to increase the working level height of employees.

(o) Ladders shall not be used on scaffolds to increase the working level height of employees, except on large area scaffolds where employers have satisfied the following criteria:

(i) When the ladder is placed against a structure which is not a part of the scaffold, the scaffold shall be secured against the sideways thrust exerted by the ladder;

(ii) The platform units shall be secured to the scaffold to prevent their movement;

(iii) The ladder legs shall be on the same platform or other means shall be provided to stabilize the ladder against unequal platform deflection; and

(iv) The ladder legs shall be secured to prevent them from slipping or being pushed off the platform.

(p) Platforms shall not deflect more than 1/60 of the span when loaded.

(q) To reduce the possibility of welding current arcing through the suspension wire rope when performing welding from suspended scaffolds, the following precautions shall be taken, as applicable:

(i) An insulated thimble shall be used to attach each suspension wire rope to its hanging support (such as cornice hook or outrigger). Excess suspension wire rope and any additional independent lines from grounding shall be insulated;

(ii) The suspension wire rope shall be covered with insulating material extending at least 4 feet (1.2 m) above the hoist. If there is a tail line below the hoist, it shall be insulated to prevent contact with the platform. The portion of the tail line that hangs free below the scaffold shall be guided or retained, or both, so that it does not become grounded;

(iii) Each hoist shall be covered with insulated protective covers;

(iv) In addition to a work lead attachment required by the welding process, a grounding conductor shall be connected from the scaffold to the structure. The size of this conductor shall be at least the size of the welding process work lead, and this conductor shall not be in series with the welding process or the work piece;

(v) If the scaffold grounding lead is disconnected at any time, the welding machine shall be shut off; and

(vi) An active welding rod or uninsulated welding lead shall not be allowed to contact the scaffold or its suspension system.

(7) "Fall protection."

(a) Each employee on a scaffold more than 10 feet (3.1 m) above a lower level shall be protected from falling to that lower level. Subsection (7)(a)(i) through (vii) of this section establish the types of fall protection to be provided to the employees on each type of scaffold. Subsection (7)(b) of this section addresses fall protection for scaffold erectors and dismantlers.

**Note to subsection (7)(a):** The fall protection requirements for employees installing suspension scaffold support systems on floors, roofs, and other elevated surfaces are set forth in Parts C-1 and K of this chapter.

(i) Each employee on a boatswains' chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold shall be protected by a personal fall arrest system;

(ii) Each employee on a single-point or two-point adjustable suspension scaffold shall be protected by both a personal fall arrest system and guardrail system;

(iii) Each employee on a crawling board (chicken ladder) shall be protected by a personal fall arrest system, a guardrail system (with minimum 200 pound toprail capacity), or by a three-fourth inch (1.9 cm) diameter grabline or equivalent handhold securely fastened beside each crawling board;

(iv) Each employee on a self-contained adjustable scaffold shall be protected by a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by the frame structure, and by both a personal fall arrest system and a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by ropes;

(v) Each employee on a walkway located within a scaffold shall be protected by a guardrail system (with minimum 200 pound toprail capacity) installed within 9 1/2 inches (24.1 cm) of and along at least one side of the walkway;

(vi) Each employee performing overhand bricklaying operations from a supported scaffold shall be protected from falling from all open sides and ends of the scaffold (except at the side next to the wall being laid) by the use of a personal fall arrest system or guardrail system (with minimum 200 pound toprail capacity);

(vii) For all scaffolds not otherwise specified in (a)(i) through (vi) of this subsection, each employee shall be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of (d) of this subsection.

(b) The employer shall have a competent person determine the feasibility and safety of providing fall protection for employees erecting or dismantling supported scaffolds. Employers are required to provide fall protection for employees erecting or dismantling supported scaffolds where the

installation and use of such protection is feasible and does not create a greater hazard. The maximum feasible fall protection shall be used.

(c) In addition to meeting the requirements of chapter 296-155 WAC, Part C-1, personal fall arrest systems used on scaffolds shall be attached by lanyard to a vertical lifeline, horizontal lifeline, or appropriate structural member. Vertical lifelines shall not be used when overhead components, such as overhead protection or additional platform levels, are part of a single-point or two-point adjustable suspension scaffold.

(i) When vertical lifelines are used, they shall be fastened to a fixed safe point of anchorage, shall be independent of the scaffold, and shall be protected from sharp edges and abrasion. Safe points of anchorage include structural members of buildings, but do not include standpipes, vents, other piping systems, electrical conduit, outrigger beams, or counterweights.

(ii) When horizontal lifelines are used, they shall be secured to two or more structural members of the scaffold, or they may be looped around both suspension and independent suspension lines (on scaffolds so equipped) above the hoist and brake attached to the end of the scaffold. Horizontal lifelines shall not be attached only to the suspension ropes.

(iii) On suspended scaffolds or similar work platforms with horizontal lifelines which may become vertical lifelines, the devices used to connect to a horizontal lifeline shall be capable of locking in both directions on the lifeline.

(vi) When lanyards are connected to horizontal lifelines or structural members on a single-point or two-point adjustable suspension scaffold, the scaffold shall be equipped with additional independent support lines and automatic locking devices capable of stopping the fall of the scaffold in the event one or both of the suspension ropes fail. The independent support lines shall be equal in number and strength to the suspension ropes.

~~((iv))~~ (v) Vertical lifelines, independent support lines, and suspension ropes shall not be attached to each other, nor shall they be attached to or use the same point of anchorage, nor shall they be attached to the same point on the scaffold or personal fall arrest system.

(d) Guardrail systems installed to meet the requirements of this section shall comply with the following provisions (guardrail systems built in accordance with Appendix A to this part will be deemed to meet the requirements of (d)(vii), (viii), and (ix) of this subsection):

(i) Guardrail systems shall be installed along all open sides and ends of platforms. Guardrail systems shall be installed before the scaffold is released for use by employees other than erection/dismantling crews.

(ii) The top edge height of top rails or equivalent member on supported scaffolds manufactured or first placed in service after January 1, 2000, shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface. The top edge height on supported scaffolds manufactured and placed in service before January 1, 2000, and on all suspended scaffolds where both a guardrail and a personal fall arrest system are required shall be between 36 inches (0.9 m) and 45 inches (1.2 m). When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the

guardrail system meets all other criteria of (d) of this subsection.

(iii) When midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent structural members are used, they shall be installed between the top edge of the guardrail system and the scaffold platform.

(iv) When midrails are used, they shall be installed at a height approximately midway between the top edge of the guardrail system and the platform surface.

(v) When screens and mesh are used, they shall extend from the top edge of the guardrail system to the scaffold platform, and along the entire opening between the supports.

(vi) When intermediate members (such as balusters or additional rails) are used, they shall not be more than 19 inches (48 cm) apart.

(vii) Each top rail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 100 pounds (445 n) for guardrail systems installed on single-point adjustable suspension scaffolds or two-point adjustable suspension scaffolds, and at least 200 pounds (890 n) for guardrail systems installed on all other scaffolds.

(viii) When the loads specified in (d)(vii) of this subsection are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in (d)(ii) of this subsection.

(ix) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along the midrail or other member of at least 75 pounds (333 n) for guardrail systems with a minimum 100 pound top rail capacity, and at least 150 pounds (666 n) for guardrail systems with a minimum 200 pound top rail capacity.

(x) Suspension scaffold hoists and nonwalk-through stirrups may be used as end guardrails, if the space between the hoist or stirrup and the side guardrail or structure does not allow passage of an employee to the end of the scaffold.

(xi) Guardrails shall be surfaced to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(xii) The ends of all rails shall not overhang the terminal posts except when such overhang does not constitute a projection hazard to employees.

(xiii) Steel or plastic banding shall not be used as a top rail or midrail.

(xiv) Manila or plastic (or other synthetic) rope being used for top rails or midrails shall be inspected by a competent person as frequently as necessary to ensure that it continues to meet the strength requirements of subsection (7) of this section.

(xv) Crossbraces may be used in lieu of either the top rail or midrail providing the resulting guardrail system meets all the other criteria of (d) of this subsection and this does not result in openings in the guardrail system or between the guardrail system and the platform through which a nineteen-inch diameter sphere can pass.

(8) "Falling object protection."

(a) In addition to wearing hardhats each employee on a scaffold shall be provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, or guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. When the falling objects are too large, heavy or massive to be contained or deflected by any of the above-listed measures, the employer shall place such potential falling objects away from the edge of the surface from which they could fall and shall secure those materials as necessary to prevent their falling.

(b) Where there is a danger of tools, materials, or equipment falling from a scaffold and striking employees below, the following provisions apply:

(i) The area below the scaffold to which objects can fall shall be barricaded, and employees shall not be permitted to enter the hazard area; or

(ii) A toeboard shall be erected along the edge of platforms above lower levels for a distance sufficient to protect employees below, except on float (ship) scaffolds where an edging of 3/4 x 1 1/2 inch (2 x 4 cm) wood or equivalent may be used in lieu of toeboards; or

(iii) Where tools, materials, or equipment are piled to a height higher than the top edge of the toeboard, paneling or screening extending from the toeboard or platform to the top of the guardrail shall be erected for a distance sufficient to protect employees below; or

(iv) A guardrail system shall be installed with openings small enough to prevent passage of potential falling objects; or

(v) A canopy structure, debris net, or catch platform strong enough to withstand the impact forces of the potential falling objects shall be erected over the employees below.

(c) Canopies, when used for falling object protection, shall comply with the following criteria:

(i) Canopies shall be installed between the falling object hazard and the employees.

(ii) When canopies are used on suspension scaffolds for falling object protection, the scaffold shall be equipped with additional independent support lines equal in number to the number of points supported, and equivalent in strength to the strength of the suspension ropes.

(iii) Independent support lines and suspension ropes shall not be attached to the same points of anchorage.

(d) Where used, toeboards shall be:

(i) Capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard (toeboards built in accordance with Appendix A to this part will be deemed to meet this requirement); and

(ii) At least three and one-half inches (9 cm) high from the top edge of the toeboard to the level of the walking/working surface. Toeboards shall be securely fastened in place at the outermost edge of the platform and have not more than 1/4 inch (0.7 cm) clearance above the walking/working surface. Toeboards shall be solid or with openings not over one inch (2.5 cm) in the greatest dimension.

**AMENDATORY SECTION** (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

**WAC 296-155-505 Guardrails, handrails and covers.**

(1) General provisions. This part applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways, runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces.

(2) The employer shall determine if the walking/working surfaces on which its employees are to work have the strength and structural integrity to support employees safely. Employees shall be allowed to work on those surfaces only when the surfaces have the requisite strength and structural integrity.

(3) When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a monitor to warn others of the hazard or shall be protected by a movable barrier.

~~((2))~~ (4) Guarding of floor openings and floor holes.

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections ~~((2))~~ (4)(g) and ~~((5))~~ (7) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service person is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed

sides or the skylight shall be covered in accordance with (g) of this subsection.

(e) Pits and trap door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(g) All floor opening or hole covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(i) All covers shall be secured when installed so as to prevent accidental displacement by the wind, equipment, or employees.

(ii) All covers shall be color coded or they shall be marked with the word "hole" or "cover" to provide warning of the hazard.

(iii) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

~~((3))~~ (5) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in subsection ~~((5)(e))~~ (7)(f)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have standard guardrails on all exposed sides or equivalent. One side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of (a) of this subsection shall apply, except that a toe board is not required.

~~((4))~~ (6) Guarding of open sided surfaces.

(a) Every open sided floor, platform or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection ~~((5))~~ (7)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is

moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection ~~((5))~~ (7) of this section, on all open sides, 4 feet or more above the floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.

~~((5))~~ (7) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of ~~((36 inches to))~~ 42 inches (1.1m) plus or minus 3 inches (8cm) (39-45 inches) from upper surface of top rail to floor, platform, runway, or ramp level. ~~((Each length of lumber shall be smooth surfaced throughout the length of the railing.))~~ When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of this subsection. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

Note: When employees are using stilts, the top edge height of the top rail, or equivalent member, shall be increased an amount equal to the height of the stilts.

(b) Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2 inch by 4 inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2 inch by 4 inch stock ~~((;))~~ and each length of lumber shall be smooth surfaced throughout the length of the railing. The intermediate rail shall be of at least 1 inch by 6 inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2 inch by 2 inch by 3/8 inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2 inch fibre core rope, or the equivalent to meet strength factor and deflection of ~~((a))~~ (b)(v) of this subsection. Posts shall be spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth surfaced top rail at a height above floor, platform, runway, or ramp level of between ~~((36))~~ 39 inches and ~~((42))~~ 45 inches;

(B) ~~((A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;))~~ When the 200-pound (890N) test load specified in subsection (6)(b)(v) of this section is applied in a downward direction, the top edge of the guardrail shall not deflect to a height less than 39 inches (1.0m) above the walking/working level. Guardrail system components selected and constructed in accordance with this part will be deemed to meet this requirement;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

~~((b))~~ (c)(i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4 inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

~~((e))~~ (d) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear axle load of at least 2 times the maximum intended load;

(ii) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(A) All covers shall be secured when installed so as to prevent accidental displacement by the wind, equipment, or employees.

(B) All covers shall be color coded or they shall be marked with the word "hole" or "cover" to provide warning of the hazard..

(C) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

~~((d))~~ (e) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with ~~((e))~~ (d)(ii) of this subsection.

~~((e))~~ (f) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-155-680 General provisions.** (1) General. All equipment, material and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970, Safety Requirements for Concrete Construction and Masonry Work.

(2) Construction loads. No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.

(3) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workers, equipment, runways and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(4) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of ten psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(5) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(6) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

(7) Reinforcing steel.

(a) All protruding reinforcing steel, onto and into which employees could fall, shall be guarded to eliminate the hazard of impalement.

(b) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent overturning and to prevent collapse.

(8) Post-tensioning operations.

(a) No employee (except those essential to the post-tensioning operations) shall be permitted to be behind the jack during tensioning operations.

(b) Signs and barriers shall be erected to limit employee access to the post-tensioning area during tensioning operations.

(9) Working under loads.

(a) No employee shall be permitted to work under concrete buckets while buckets are being elevated or lowered into position.

(b) To the extent practical, elevated concrete buckets shall be routed so that no employee, or the fewest number of employees, are exposed to the hazards associated with falling concrete buckets.

(10) Personal protective equipment.

(a) No employee shall be permitted to apply a cement, sand, and water mixture through a pneumatic hose unless the employee is wearing protective head and face equipment.

(b) No employee shall be permitted to place or tie reinforcing steel more than six feet (1.8 m) above any adjacent working surface unless the employee is protected by ~~((the use of a safety belt or equivalent fall protection))~~ personal fall arrest systems, safety net systems, or positioning device systems meeting the criteria of chapter 296-155 WAC, Part C-1.

(c) Each employee on the face of formwork or reinforcing steel shall be protected from falling 6 feet (1.8m) or more to lower levels by personal fall arrest systems, safety net systems, or positioning device systems meeting the criteria of chapter 296-155 WAC, Part C-1.

**WSR 00-06-028**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)  
[Filed February 24, 2000, 2:05 p.m.]

Date of Adoption: February 24, 2000.

Purpose: The rules were revised to: Comply with the Governor's Executive Order 97-02 for clarifying, updating, and simplifying where possible; to consider stakeholder input where appropriate; to apply clear rule-writing techniques; to update with statutory changes since the last revision; and to reorganize the chapter to make it easier for users to find the information needed.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-97-010 License application, 388-97-015 License qualification, 388-97-020 Nursing home fees, 388-97-025 License capacity, 388-97-030 Change of ownership, 388-97-035 Change in administrator or director of nursing services, 388-97-040 Name of nursing home, 388-97-045 License relinquishment upon closure, 388-97-050 License denial, modification, nonrenewal, revocation, 388-97-070 Resident rights, 388-97-080 Quality of life, 388-97-095 Dementia care unit, 388-97-100 Discharge planning, 388-97-105 Relocation due to decertification, license revocation closure, evacuation, 388-97-145 Early identification of persons with active tuberculosis, 388-97-150 Surveillance and management of tuberculosis, 388-97-200 Criminal history disclosure and background inquiries, 388-97-210 Respite services, 388-97-215 Adult day or night care, 388-97-225 Nursing facility care, 388-97-230 Discrimination prohibited, 388-97-235 Medical eligibility for nursing facility care, 388-97-240 Nursing facility admission, 388-97-245 Pre-admission screening, 388-97-250 Identification screening for current residents, 388-97-255 Pre-admission screening and annual resident review (PASARR), 388-97-265 Utilization review, 388-97-270 Individual transfer and discharge rights, procedures, appeals, 388-97-275 Resident assessment instrument, 388-97-280 Discharge or leave of a nursing facility resident, 388-97-300 Fire standards and approval, 388-97-305 Other standards, 388-97-320 Space and equipment, 388-97-380 Maintenance and repair, 388-97-390 General, 388-97-395 Design requirements, 388-97-435 Resident care unit, 388-97-440 Resident rooms, 388-97-445 Resident room equipment, 388-97-450 Resident toilet and bathing facilities and 388-97-475 Electrical; and amending WAC 388-97-005 Definitions, 388-97-055 Resident representative and decision making, 388-97-060 Informed consent, 388-97-065 Advance directives, 388-97-075 Nursing home practices—Resident restraint and prevention of abuse, 388-97-085 Resident assessment, 388-97-090 Comprehensive care planning, 388-97-110 Quality of care, 388-97-115 Nursing services, 388-97-120 Dietary services, 388-97-125 Physician services, 388-97-130 Specialized habilitative and rehabilitative services, 388-97-135 Pharmacy services, 388-97-140 Infection control, 388-97-155 Care of residents with active tuberculosis, 388-97-160 General administration, 388-97-165 Staff and equipment, 388-97-170 Staff development, 388-97-175 Medical director, 388-97-180 Clinical records, 388-97-185

Disaster and emergency preparedness, 388-97-190 Quality assessment and assurance, 388-97-195 Policies and procedures, 388-97-205 Laundry services, 388-97-220 Dialysis services, 388-97-260 PASARR determination and appeal rights, 388-97-295 General, 388-97-310 IMR exceptions to physical plant requirements, 388-97-315 Emergency power, 388-97-325 Resident care unit, 388-97-330 Resident rooms, 388-97-335 Resident room equipment, 388-97-340 Resident toilet and bathing facilities or rooms, 388-97-345 Dining, day rooms, and resident activity areas, 388-97-350 Dementia care unit, 388-97-355 Food service areas, 388-97-360 Lighting, 388-97-365 Safety, 388-97-370 Water supply, 388-97-375 Pest control, 388-97-385 Sewage and liquid waste disposal, 388-97-400 General new construction documents, 388-97-405 Exemptions to new construction requirements, 388-97-410 State building code in new construction, 388-97-415 Electrical codes and standards in new construction, 388-97-420 Elevator codes in new construction, 388-97-425 Local codes and ordinances in new construction, 388-97-430 Entrances and exits in new construction, 388-97-455 Visiting and private spaces in new construction, 388-97-460 Pools in new construction, 388-97-465 Elevators in new construction, 388-97-470 Heating systems in new construction, and 388-97-480 Handwashing sinks in new construction.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Adopted under notice filed as WSR 99-24-045 on November 24, 1999.

Changes Other than Editing from Proposed to Adopted Version: The suggested addition was made for clarification.

**WAC 388-97-005 Definitions.**

- **Neglect:** It was suggested that the federal definition of "neglect" be added to the state definition to clarify for skilled nursing facilities and nursing facilities that the federal definition of neglect must also be considered. The suggested addition was made for clarification.

**WAC 388-97-027 Nursing facility admission and payment requirements.**

- Concern was expressed about the lack of clarity of the timelines related to medical and financial eligibility and how this might effect the Medicaid payment to the nursing facility.

Home and Community Services Division (HCS) is in the process of changing their system for Medicaid applicants or recipients being discharged from the hospital to the nursing home. This process was not finalized in time to incorporate it into the proposed rule. As a result this section will be reopened after the chapter is final and we will work with HCS staff and providers to develop a clear rule outlining admission and payment issues. Some language clarification regarding payment for current nursing home residents converting to Medicaid in nursing homes was included.

**WAC 388-97-042 Individual transfer and discharge rights for residents in Medicaid certified facilities.**

- There was a comment that the terms "nursing facility" and "nursing home," related to different notice requirements, were not distinct enough and needed clarification.

Subsection (1) was clarified by identifying the specific state laws the nursing home must follow, and the federal and state laws that the skilled nursing facility and nursing facility must follow. The definition section already includes definitions for nursing home, skilled nursing facility and nursing facility.

**WAC 388-97-043 Transfer and discharge appeal rights for residents in Medicare or Medicaid certified facilities.**

- Title: It was suggested that "...Medicare or..." be added to the title in order to comply with federal regulations.  
The suggested change was made.
- (1): It was suggested that the word "payment" be changed to "payor."  
The suggested change was made.
- (3): There was a suggestion to add the term "skilled nursing facility" to this section.  
The suggested change was made.

**WAC 388-97-060 Informed consent.**

- (4) A stakeholder commented that the phrase "The nursing home must take into account..." was too vague and asked that it be changed to make it more specific.  
The information in subsection (4) was deleted and placed under subsection (1)(b). We believe that this will clarify the issue.

**WAC 388-97-075 Chemical and physical restraints.**

- Specific language was suggested to replace the entire section.  
Much of the requested language was already in the section but some would be considered a substantive change that cannot be done at this stage of the rule-making process. However some clarifying language was added and the subsections reordered for clarity. Some of the specific areas addressed follow:

**WAC 388-97-076 Prevention of abuse.**

- Some concern was expressed related to a possible conflict between federal and state law regarding abuse in this section.  
The issue was reviewed and some clarifying changes made.

**WAC 388-97-29510 New construction compliance.**

- It was suggested that "...and give approval..." be inserted between "...is contacted..." and "...for all new construction..."  
This language was clarified to include the approval and applicable determination pieces that were implicit in the subsection.

**WAC 388-97-315 Emergency power.**

- (2): It was suggested that the subsection would be clearer if the term "generator" were moved to the beginning of the subsection and unnecessary words deleted in (a) - (c) of this subsection. In addition there was a suggestion that we add clarifying new construction language to that subsection.  
The suggested clarification to subsection (2) was done. The clarifying new construction language was added to subsection (5).

**WAC 388-97-32510 Required service areas on resident care units.**

- (2): It was suggested that this was a new construction requirement and should have the words "in new construction" inserted in the beginning of the sentence. The current 1994 WAC 388-97-325 (2)(b) had this requirement under existing facilities language, not under new construction. However we asked the Department of Health's construction review program for clarification and they agreed that this was an area applying to new construction only. The change has been made.

**WAC 388-97-32550 Utility service rooms on resident care units.**

- (1)(b): There was a suggestion to "chunk" out the items listed and to add language to clarify that the clean and soiled utility rooms must be separate.  
The "chunking" changes suggested for subsection (1) were done. Even though the intent of subsection (2) was to show that in new construction the clean utility room and the soiled utility room must be separate rooms it was not clearly understood. An additional subsection was added to clarify this.

**WAC 388-97-32580 Janitor's closets on resident care units.**

- It was suggested that a reference to the ventilation requirements for new construction be added.  
This suggested clarifying reference was made.

**WAC 388-97-340 Resident toilet facilities or rooms.**

- (2)(e): Specific language was suggested related to the grab bars.  
These clarifying changes were made.

**WAC 388-97-345 Dining, dayrooms, and resident activity areas.**

- (2): It was suggested that language be added to require that in new construction these rooms be on the same floor as the residents who will use the rooms.  
The language in WAC 388-97-325(2) supports this clarifying addition and the language has been included.

**WAC 388-97-35030 Indoor areas on a dementia care unit.**

- (1): It was suggested that the language regarding the phrase "...maintained free of equipment..." be clarified.  
The current language uses the phrase "...providing ambulation areas that meet the needs of residents and are maintained free of equipment..." The word "ambulation" was added to clarify.

**WAC 388-97-35050 Physical plant on a dementia care unit.**

- (2)(a) and (b): It was suggested that specific language be added to exclude exit doors and doorways from being disguised and to delete the word "exterior" to clarify the Uniform Building Code requirements in this area.  
These clarifying changes have been made.

**WAC 388-97-35060 Special egress control devices on a dementia care unit.**

- It was suggested that the phrase "automatic door locks" be replaced with "special egress control devices"

throughout. In addition specific language was suggested for subsection (2) regarding the circumstances under which approval is needed and regarding approval for the devices.

The meaning of the term "special egress control devices" is synonymous with the term "automatic locking devices" and the term used in current practice. We have made this and the other suggested clarifying changes.

#### WAC 388-97-370 Water supply.

- It was suggested that another WAC reference be added to the section.

This clarifying change was made.

#### WAC 388-97-401 Final new construction documents.

- (2): It was suggested that this subsection specify that the architect or engineer be licensed by the state of Washington.

It has been the practice of the Department of Health's construction review approval process that both professions be licensed by the state thus this clarifying change was made.

#### WAC 388-97-46550 Carpets in new construction.

- (1)(a): It was suggested that some outdated language be deleted and that the formula for carpet density be written out for clarification.

The deletion was done and the clarifying change to the carpet density formula made.

#### WAC 388-97-48020 Mixing valves in new construction.

- It was suggested that the term "mixing valves" to "water supply" be changed throughout. Additional language was also suggested.

Because both mixing valves and mixing faucets can be used to ensure acceptable water temperatures the term mixing faucet was added as an alternative choice for new construction. The water supply section is found at WAC 388-97-370.

Number of Sections Adopted in Order to Comply with Federal Statute: New 32, Amended 5, Repealed 32; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 1, Repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 141, Amended 53, Repealed 41.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 141, Amended 53, Repealed 41.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 141, Amended 53, Repealed 41.

Effective Date of Rule: Thirty-one days after filing.

February 24, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

((KEY:

~~Deemed sections are indicated by a statement at the beginning of the section and by the use of small capitalized print within the section. Deeming means the state requirement is similar to the cited federal requirement and if the federal requirement is met, the facility is deemed to meet the state requirement.))~~

### SUBCHAPTER I

#### ((LICENSE AND OPERATIONS)) RESIDENT RIGHTS, CARE AND RELATED SERVICES DEFINITIONS

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-005 Definitions. ((+)) "Abandonment" means action or inaction by an individual or entity with a duty of care for a vulnerable adult that leaves the vulnerable individual without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Further clarification of the definition of abuse, and examples of types of behavior that constitute abuse are described in RCW 74.34.020(2).

"Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in Washington under RCW 18.88.175(~~as now or hereafter amended.~~ (2)) or successor laws.

"ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

((3)) "Attending physician" means the doctor responsible for a particular ((person's)) individual's total medical care.

((4)) "Authenticated" means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible person.

(5)) "Berm" means a bank of earth piled against a wall.

((6)) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

((7)) "Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

((8)) "Department" means the state department of social and health services (DSHS).

((9)) "Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

((10)) "Directly supervising" means the supervising person is on the premises and is quickly and easily available to provide necessary:

- (a) Assessments and other direct care of residents; and
- (b) Oversight of supervised staff.

~~((11))~~ **"Disclosure statement"** means a signed statement by ~~((a person))~~ an individual indicating whether or not the ~~((person))~~ individual was found by any court, state licensing board, disciplinary board, or protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult ~~((person))~~ individual.

~~((12))~~ **"Drug"** means a substance:

~~((a))~~ (1) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the*

*United States*, *Official National Formulary*, or any supplement to any of them; or

~~((b))~~ (2) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

~~((13))~~ **"Drug facility"** means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((14))~~ **"Entity"** means any type of firm, partnership, corporation, company, association, or joint stock association, and the legal successor(s).

**"Financial exploitation"** means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any individual for his or her profit or advantage.

**"Habilitative services"** means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach ~~((a person))~~ an individual previously undeveloped skills.

~~((15))~~ **"Intermediate care facility for the mentally retarded (ICF/MR)"** means an institution certified under chapter 42 C.F.R., Part 483, Subpart I(

~~(16)~~ **"Lavatory"** means a handwashing sink.

~~(17))~~, and licensed under chapter 18.51 RCW.

**"Licensed practical nurse"** means ~~((a person))~~ an individual licensed under chapter ~~((18.78))~~ 18.79 RCW;

~~((18))~~ **"Misappropriation of resident property"** means the illegal or improper, patterned or deliberate misplacement, exploitation, temporary or permanent use of a resident's belongings.

**"NFPA"** means National Fire Protection Association, Inc.

~~((19))~~ **"Neglect"**:

(1) For a nursing home licensed under chapter 18.51 RCW, neglect means that an individual or entity with a duty of care for nursing home residents has:

(a) By a pattern of conduct or inaction, failed to provide goods and services to maintain physical or mental health or to avoid or prevent physical or mental harm or pain; or

(b) By an act or omission, demonstrated a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

(2) For a skilled nursing facility or nursing facility, neglect also means a failure to provide the goods and services necessary to avoid physical harm, mental anguish, or mental illness.

**"Nursing assistant"** means a nursing assistant as defined under RCW 18.88A.020 ~~((as now or hereafter amended))~~ or successor laws.

~~((20))~~ **"Nursing facility (NF)"** or **"Medicaid-certified nursing facility"** means a nursing facility as defined in Section 1919(a) of the Federal Social Security Act and regulations ~~((promulgated thereunder, as now or hereafter amended).~~

~~(21))~~ put into effect under that law, or under successor laws.

**"Nursing home"** means any facility licensed to operate under chapter 18.51 RCW.

~~((22))~~ **"Pharmacist"** means ~~((a person))~~ an individual licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

~~((23))~~ **"Pharmacy"** means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

~~((24))~~ **"Physical restraint"** means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

~~((25))~~ **"Physician's assistant (PA)"** means a physician's assistant as defined under chapter 18.57A or 18.71A RCW ~~((as now or hereafter amended))~~ or successor laws.

~~((26))~~ **"Reasonable accommodation"** and **"reasonably accommodate"** has the meaning given in federal and state anti-discrimination laws and regulations. For the purpose of this chapter:

(1) Reasonable accommodation means that the nursing home must:

(a) Not impose admission criteria that excludes individuals unless the criteria is necessary for the provision of nursing home services;

(b) Make reasonable modification to its policies, practices or procedures if the modifications are necessary to accommodate the needs of the resident;

(c) Provide additional aids and services to the resident.

(2) Reasonable accommodations are not required if:

(a) The resident presents a significant risk to the health or safety of others that cannot be eliminated by the reasonable accommodation;

(b) The reasonable accommodations would fundamentally alter the nature of the services provided by the nursing home; or

(c) The reasonable accommodations would cause an undue burden, meaning a significant financial or administrative burden.

**"Registered nurse"** means ~~((a person))~~ an individual licensed under chapter ~~((18.88))~~ 18.79 RCW ~~((as now or hereafter amended))~~ or successor laws.

~~((27))~~ **"Rehabilitative services"** means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore ~~((a person to the person's))~~ an individual to the individual's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

~~(((28)))~~ **"Resident"** generally means ~~((a person))~~ an individual residing in a nursing home, and if applicable, the surrogate decision maker. The term resident excludes outpatients and ~~((persons))~~ individuals receiving adult day or night care, or respite care.

~~(((29)))~~ **"Resident care unit"** means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

~~(((30)))~~ **"Respiratory isolation"** is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

~~(((31)))~~ **"Siphon jet clinic service sink"** means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

~~(((32)))~~ **"Skilled nursing facility (SNF)"** or **"Medicare-certified skilled nursing facility"** means a skilled nursing facility as defined in Section 1819(a) of the Federal Social Security Act and regulations ~~((promulgated thereunder, as now or hereafter amended))~~ put into effect under that law, or successors to that law.

~~(((33)))~~ **"Social/therapeutic leave"** means leave which is for the resident's social, emotional, or psychological well being; it does not include medical leave.

~~(((34)))~~ **"Staff work station"** means a location at which nursing and other staff perform charting and related activities throughout the day.

~~(((35)))~~ **"Surrogate decision maker"** means a resident representative or representatives as outlined in WAC 388-97-055~~((, Resident representative and decision making))~~, and as established by law under chapter 7.70 RCW.

~~(((36)))~~ **"Toilet room"** means a room containing at least one toilet fixture.

~~(((37)))~~ **"Volunteer"** means ~~((a person))~~ an individual who is a regularly scheduled ~~((person))~~ individual not receiving payment for services and having unsupervised access to a nursing home resident.

#### ~~((NURSING HOME LICENSE))~~

### ADMISSION, TRANSFER AND DISCHARGE

#### NEW SECTION

**WAC 388-97-012 Nursing facility care.** The nursing facility must provide items, care, and services in accordance with this chapter and with federal regulations under 42 C.F.R. §483.1 through 483.206, or successor laws, and other applicable federal requirements.

#### NEW SECTION

**WAC 388-97-017 Discrimination prohibited.** (1) A nursing facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services covered under the state Medicaid plan for all individuals regardless of source of payment.

(2) A nursing facility must not require or request:

(a) Residents or potential residents to waive their rights to Medicare or Medicaid;

(b) Oral or written assurance that residents or potential residents are not eligible for, or will not apply for Medicare or Medicaid benefits; and

(c) A third party guarantee of payment to the facility as a condition of admission or expedited admission, or continued stay in the facility. However, the facility may require an individual who has legal access to a resident's income or resources available to pay for facility care to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.

(3) A nursing facility must inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required or requested to personally guarantee payment to the nursing home, as specified in subsection (2)(c) of this section.

(4) A nursing facility must not:

(a) Deny or delay admission or readmission of an individual to the facility because of the individual's status as a Medicaid recipient;

(b) Transfer a resident, except from a single room to another room within the facility, because of the resident's status as a Medicaid recipient;

(c) Discharge a resident from a facility because of the resident's status as a Medicaid recipient; or

(d) Charge Medicaid recipients any amounts in excess of the Medicaid rate from the date of eligibility, except for any supplementation that may be permitted by department regulation.

(5) A nursing facility must maintain only one list of names of individuals seeking admission to the facility, which is ordered by the date of request for admission, and must:

(a) Offer admission to individuals in the order they appear on the list, provided the facility can meet the needs of the individual with available staff or through the provision of reasonable accommodations required by state or federal laws;

(b) Retain the list of individuals seeking admission for one year from the month admission was requested; and

(c) Offer admission to the portions of the facility certified under Medicare and Medicaid without discrimination against persons eligible for Medicaid.

(6) A nursing facility must develop and implement written policies and procedures to ensure nondiscrimination in accordance with this section and RCW 74.42.055.

#### NEW SECTION

**WAC 388-97-022 Medical eligibility for nursing facility care.** (1) An individual eligible for nursing facility care is one who requires more than supervision, protection, and limited assistance with activities of daily living, because of medical, physical and/or cognitive problems.

(2) An individual will be eligible for nursing facility care if he or she is found by the department to:

(a) Have complex medical needs that require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis; or

(b) Require assistance in two or more activities of daily living (ADL). Activities of daily living include bed mobility and positioning, transferring from one surface to another, walking, eating, toilet use, and bathing; or

(c) Be moderately impaired in cognitive decision making regarding tasks of daily life, and require assistance in at least one ADL. "Moderately impaired" means that the individual's decisions are poor, and that reminders, cues, and supervision are required to assist the individual in planning, organizing, and correcting daily routines.

#### NEW SECTION

**WAC 388-97-027 Nursing facility admission and payment requirements.** (1) A nursing facility must not admit any individual unless:

(a) The physician, hospital, department, or department designee screens the individual for the presence of a serious mental illness or a developmental disability as required under WAC 388-97-247;

(b) The department assesses any Medicaid applicant or recipient and determines that the individual meets the medical eligibility requirements described in WAC 388-97-022; and

(c) For an individual admitted on a weekend, holiday, or after business hours, the nursing facility or hospital requests an assessment from the department.

(2) The department authorizes payment for:

(a) Newly admitted Medicaid-eligible individuals, who are assessed and determined to be in need of nursing facility care, per WAC 388-97-022, on the date:

(i) Of the request for a department assessment; or

(ii) Nursing facility care actually begins, whichever is later.

(b) Current residents, who are converting to Medicaid from another payment source and are determined financial eligible, on the date of:

(i) Request for assessment; or

(ii) Financial application, whichever is earlier.

(iii) Exception: Payment back to the request date is limited to the certification period prior to the date of the financial application, per WAC 388-416-0015.

(3) If nursing facilities admit a Medicaid-eligible individual without a request for an assessment, they will not:

(a) Be reimbursed by the department; or

(b) Allowed to collect payment, including a deposit or minimum stay fee, from the client or the client's family or representative for any care provided before the date of request for assessment.

#### NEW SECTION

**WAC 388-97-032 Discharge planning.** (1) A resident has the right to attain or maintain the highest practicable physical, mental, and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home must:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident or resident's representative in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical after the resident's admission, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator(s);

(iii) In the case of a Medicaid certified nursing facility, the address and telephone number for the department's local home and community services office; and

(iv) In the case of a resident identified through pre-admission screening and resident review (PASRR) as having a developmental disability or mental illness, the address and telephone number for the division of developmental disabilities or the mental health PASRR contractor.

(2) The nursing home must prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home must:

(a) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's representative;

(b) In the case of a Medicaid resident, coordinate the plan with the department's home and community services staff;

(c) In the case of a resident identified through PASRR as having a developmental disability or mental illness, coordinate the plan with the division of developmental disabilities or the mental health PASRR contractor;

(d) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(e) Incorporate in the plan relevant factors to include, but not be limited to the:

(i) Resident's preferences;

(ii) Support system;

(iii) Assessments and plan of care; and

(iv) Availability of appropriate resources to match the resident's preferences and needs.

(f) Identify in the plan specific options for more independent placement; and

(g) Provide in the plan for the resident's continuity of care, and to reduce potential transfer trauma, including, but not limited to, pre-transfer visit to the new location whenever possible.

(3) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home must:

(a) Document the specific reasons transfer or discharge is not anticipated in that time frame;

(b) Review the resident's potential for transfer or discharge at the time of the quarterly comprehensive plan of care review. If the reasons documented under subsection (3)(a) of this section are unchanged, no additional documentation of reasons is necessary at the time of plan of care review.

(4) The nursing home must initiate discharge planning on residents described in subsection (3) of this section:

(a) At the request of the resident or the resident's representative; and

(b) When there is a change in the resident's situation or status which indicates a potential for transfer or discharge within the next three months.

(5) Each resident has the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home must assist with and coordinate the resident's transfer or discharge. The Medicaid resident, resident's representative, or nursing facility may request assistance from the department's home and community services or, where applicable, the division of developmental disabilities or mental health in the transfer or discharge planning and implementation process.

(6) The nursing home must coordinate all resident transfers and discharges with the resident, the resident's representative and any other involved individual or entity.

(7) When a nursing home anticipates discharge, a resident must have a discharge summary that includes:

(a) A recapitulation of the resident's stay;

(b) A final summary of the resident's status to include items in WAC 388-97-085(1), at the time of discharge that is available for release to authorized individuals and agencies, with the consent of the resident or and surrogate decision maker; and

(c) A post-discharge plan of care that is developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment.

#### NEW SECTION

**WAC 388-97-037 Utilization review.** (1) To assure appropriate use of Medicaid services, the nursing facility must determine whether each Medicaid resident's health has improved sufficiently so the resident no longer needs nursing facility care.

(a) The nursing facility must base its determination on:

- (i) An accurate, comprehensive assessment process; and
- (ii) Documentation by the resident's physician.

(b) The nursing facility must not make this determination for residents the department is responsible to assess under WAC 388-97-251.

(2) When the nursing facility determines a resident no longer needs nursing facility care under subsection (1) of this section, the nursing facility must initiate transfer or discharge in accordance with WAC 388-97-042, 388-97-043, and 42 C.F.R. §483.12, or successor laws, unless the resident voluntarily chooses to transfer or discharge.

(3) When a nursing facility initiates a transfer or discharge of a Medicaid recipient under subsection (2) of this section:

(a) The resident will be ineligible for Medicaid nursing facility payment:

- (i) Thirty days after the receipt of written notice of transfer or discharge; or
- (ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) The department's home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(a) of this sec-

tion, when the department's home and community services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

#### NEW SECTION

**WAC 388-97-042 Individual transfer and discharge rights and procedures.** (1) The skilled nursing facility and nursing facility must comply with all of the requirements of 42 C.F.R. §483.10 and §483.12, and RCW 74.42.450, or successor laws, and the nursing home must comply with all of the requirements of RCW 74.42.450(1) through (4) and (7), or successor laws, including the following provisions and must not transfer or discharge any resident unless:

(a) At the resident's request;

(b) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

(c) The transfer or discharge is appropriate because the resident's health has improved enough so the resident no longer needs the services provided by the facility;

(d) The safety of individuals in the facility is endangered;

(e) The health of individuals in the facility would otherwise be endangered; or

(f) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility.

(2) The following notice requirements apply if a nursing home/facility initiates the transfer or discharge of a resident. The notice must:

(a) Include all information required by 42 C.F.R. §483.12 when given in a nursing facility;

(b) Be in writing, in language the resident understands;

(c) Be given to the resident, the resident's surrogate decision maker, if any, the resident's family and to the department;

(d) Be provided thirty days in advance of a transfer or discharge initiated by the nursing facility, except that the notice may be given as soon as practicable when the facility cannot meet the resident's urgent medical needs, or under the conditions described in (1)(c), (d), and (e) of this section; and

(e) Be provided fifteen days in advance of a transfer or discharge initiated by the nursing home, unless the transfer is an emergency.

(3) The nursing home must:

(a) Provide sufficient preparation and orientation to the resident to ensure safe and orderly transfer or discharge from the nursing home;

(b) Attempt to avoid the transfer or discharge of a resident from the nursing home through the use of reasonable accommodations unless agreed to by the resident and the requirements of WAC 388-97-032 are met; and

(c) Develop and implement a bed-hold policy. This policy must be consistent with any bed-hold policy that the department develops.

(4) The nursing home must provide the bed-hold policy, in written format, to the resident, and a family member, before the resident is transferred or goes on therapeutic leave. At a minimum the policy must state:

(a) The number of days, if any, the nursing home will hold a resident's bed pending return from hospitalization or social/therapeutic leave;

(b) That a Medicaid eligible resident, whose hospitalization or social/therapeutic leave exceeds the maximum number of bed-hold days will be readmitted to the first available semi-private bed, provided the resident needs nursing facility services. Social/therapeutic leave is defined under WAC 388-97-005. The number of days of social/therapeutic leave allowed for Medicaid residents and the authorization process is found under WAC 388-97-047; and

(c) That a Medicaid eligible resident may be charged if he or she requests that a specific bed be held, but may not be charged a bed-hold fee for the right to return to the first available bed in a semi-private room.

(5) The nursing facility must send a copy of the federally required transfer or discharge notice to:

(a) The department's home and community services when the nursing home has determined under WAC 388-97-037, that the Medicaid resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(b) The department's designated local office when the transfer or discharge is for any of the following reasons:

(i) The resident's needs cannot be met in the facility;

(ii) The health or safety of individuals in the facility is endangered; or

(iii) The resident has failed to pay for, or to have paid under Medicare or Medicaid, a stay at the facility.

#### NEW SECTION

**WAC 388-97-043 Transfer and discharge appeals for residents in Medicare or Medicaid certified facilities.** (1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payor status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if appropriate, to a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the appeal when the resident's appeal is received by the office of administrative hearings on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(3) The resident is entitled to appeal the skilled nursing facility or nursing facility's transfer or discharge decision. The appeals process is set forth in chapter 388-08 WAC and this chapter. In such appeals, the following will apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter will prevail;

(b) The resident shall be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) If a Medicare certified or Medicaid certified facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by the nursing facility or skilled nursing facility.

#### NEW SECTION

**WAC 388-97-047 Discharge or leave of a nursing facility resident.** (1) A nursing facility or hospital must send immediate written notification of the date of discharge or death of a Medicaid resident to the department's local home and community service office.

(2) The nursing facility must:

(a) Notify the department of nursing facility discharge and readmission for all Medicaid recipients admitted as hospital inpatients; and

(b) Document in the resident's clinical record all social/therapeutic leave exceeding twenty-four hours.

(3) The department will pay the nursing facility for a Medicaid resident's social/therapeutic leave not to exceed a total of eighteen days per calendar year per resident.

(4) The department's home and community services may authorize social/therapeutic leave exceeding eighteen days per calendar year per resident when requested by the nursing facility or by the resident. In the absence of prior authorization from the department's home and community services, the department will not make payment to a nursing facility for leave days exceeding eighteen per calendar year per resident.

(5) An individual who is on social/therapeutic leave retains the status of a nursing facility resident.

NEW SECTION

**WAC 388-97-051 Resident rights.** (1) The nursing home must meet the resident rights requirements of this section and those in the rest of the chapter.

(2) The resident has a right to a dignified existence, self-determination, and communication with, and access to individuals and services inside and outside the nursing home.

(3) A nursing home must promote and protect the rights of each resident, including those with limited cognition or other barriers that limit the exercise of rights.

(4) The resident has the right to:

(a) Exercise his or her rights as a resident of the nursing home and as a citizen or resident of the United States. Refer to WAC 388-97-055;

(b) Be free of interference, coercion, discrimination, and reprisal from the nursing home in exercising his or her rights; and

(c) Not be asked or required to sign any contract or agreement that includes provisions to waive:

(i) Any resident right set forth in this chapter or in the applicable licensing or certification laws; or

(ii) Any potential liability for personal injury or losses of personal property.

(5) The nursing home must take steps to safeguard residents and their personal property from foreseeable risks of injury or loss.

NEW SECTION

**WAC 388-97-052 Free choice.** The resident has the right to:

(1) Choose a personal attending physician.

(2) Be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the resident's well-being.

(3) Participate in planning care and treatment or changes in care and treatment.

NEW SECTION

**WAC 388-97-053 Statutes implemented in resident decision making, informed consent and advance directives.** WAC 388-97-055, 388-97-060, and 388-97-065 implement the federal Patient Self-Determination Act and clarify requirements under chapters 11.94; 7.70; 70.122; 11.88; and 11.92 RCW.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-055 Resident (~~representative and~~) decision making.** (1) At the time of admission, or not later than the completion of the initial comprehensive resident assessment, the nursing home (~~shall~~) must determine if the resident:

(a) (~~Whether the resident~~) Has appointed another (~~person~~) individual to make his or her health care, financial, or other decisions (~~for the resident~~);

(b) (~~Whether the resident~~) Has created any advance directive or other legal documents that will establish a surrogate decision maker in the future; and

(c) (~~If a resident~~) Is not making (~~the resident's~~) his or her own decisions, and identify who has the authority for surrogate decision making, and the scope of the surrogate decision maker's authority.

(2) The nursing home must review the requirements of (1) of this section when the resident's condition warrants the review or when there is a significant change in the resident's condition.

(3) In fulfilling its duty to determine who, if anyone, is authorized to make decisions for the resident, the nursing home (~~shall~~) must:

(a) (~~Seek~~) Obtain copies of the legal documents that establish the surrogate decision maker's authority to act; and

(b) Document in the resident's clinical record:

(i) The name, address, and telephone number of the (~~person~~) individual who has legal authority for substitute decision making;

(ii) The type of decision making authority such (~~person~~) individual has; and

(iii) Where copies of the legal documents are located at the facility.

(~~(3) In this chapter, the term "resident" includes the resident's surrogate decision maker~~)

(4) In accordance with state law or at the request of the resident(~~-~~), the resident's surrogate decision maker is, in the case of:

(a) (~~In the case of~~) A capacitated resident, (~~the surrogate decision maker is the person~~) the individual authorized by the resident to make decisions on the resident's behalf;

(b) (~~In the case of~~) A resident adjudicated by a court of law to be incapacitated, (~~the surrogate decision maker is~~) the court appointed guardian; and

(c) (~~In the case of~~) A resident who has been determined to be incapacitated, but is not adjudicated incapacitated (~~the surrogate decision maker is~~) established through:

(i) A legal document, such as a durable power of attorney for health care; or

(ii) Authority for substitute decision making granted by state law, including RCW 7.70.065.

(~~(4)~~) (5) Determination of (a person's incapacity shall be a legal, not medical decision) an individual's incapacity must be a process according to state law not a medical diagnosis only and be based on:

(a) Demonstrated inability in decision making over time that creates a significant risk of personal harm;

(b) A court order; or

(c) The criteria contained in a legal document, such as durable power of attorney for health care.

(~~(5) The nursing home shall:~~)

(a) Regularly review any determination of incapacity based on subsections (3)(b) and (c) of this section; and

(b) If an incapacitated resident regains capacity, cease to rely upon the surrogate decision maker to exercise the resident's rights, unless so designated by the resident or by court order.

(6) The nursing home (~~shall~~) must promote the resident's right to exercise decision making and self-determina-

tion to the fullest extent possible, taking into consideration his or her ability to understand and respond. Therefore, the nursing home ((~~shall~~)) must presume that the resident is the resident's own decision maker unless:

(a) A court has established a full guardianship of the individual;

(b) The capacitated resident has clearly and voluntarily appointed a surrogate decision maker;

(c) A surrogate is established by a legal document such as a durable power of attorney for health care; or

(d) ~~((A resident has become legally incapacitated))~~ The facility determines that the resident is an incapacitated individual according to RCW 11.88.010 and (5)(a) of this section.

(7) The nursing home ((~~shall~~)) must honor the exercise of the resident's rights by the surrogate decision maker as long as the surrogate acts in accordance with this section and with state and federal law which govern his or her appointment(, and with this section)).

(8) If a surrogate decision maker exercises a resident's rights, the nursing home ((~~shall~~)) must take into consideration the resident's ability to understand and respond and must:

(a) Inform the resident that a surrogate decision maker has been consulted;

(b) Provide the resident with the information and opportunity to participate in all decision making to the maximum extent possible; and

(c) Recognize that involvement of a surrogate decision maker does not lessen the nursing home's duty to:

(i) Protect the resident's rights; and

(ii) Comply with state and federal laws.

(9) The nursing home must:

(a) Regularly review any determination of incapacity based on (4)(b) and (c) of this section;

(b) Except for residents with a guardian, cease to rely upon the surrogate decision maker to exercise the resident's rights, if the resident regains capacity, unless so designated by the resident or by court order; and

(c) In the case of a guardian notify the court of jurisdiction in writing if:

(i) The resident regains capacity;

(ii) The guardian is not respecting or promoting the resident's rights;

(iii) The guardianship should be modified; or

(iv) A different guardian needs to be appointed.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-060 Informed consent.** (1) ~~((The nursing home as a health care provider as defined in chapter 7.70 RCW, Actions for injuries resulting from health care, shall follow the informed consent process as required in chapter 7.70 RCW in the development of the resident's comprehensive care plan. Refer to WAC 388-97-090, Comprehensive care planning.~~

(2) The nursing home ((shall follow this)) must ensure that the informed consent process is followed with:

(a) The resident to the maximum extent possible, taking into consideration his or her ability to understand and respond; and

~~(b) ((Any other person the resident has directed be consulted; and~~

~~(e)))~~ The surrogate decision maker when the resident is determined to be incapacitated as established through the provision of a legal document such as durable power of attorney for health care, a court proceeding, or as authorized by state law, including RCW 7.70.065. The surrogate decision maker must:

(i) First determine if the resident would consent or refuse the proposed or alternative treatment;

(ii) Discuss determination of consent or refusal with the resident whenever possible; and

(iii) When a determination of the resident's consent or refusal of treatment cannot be made, make the decision in the best interest of the resident.

(2) The informed consent process must include, in words and language that the resident, or if applicable the resident's surrogate decision maker, understands, a description of:

(a) The nature and character of the proposed treatment;

(b) The anticipated results of the proposed treatment;

(c) The recognized possible alternative forms of treatment;

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment including nontreatment; and

(e) The right of the resident to choose not to be informed.

(3) To ensure informed consent or refusal by a resident, or if applicable the resident's surrogate decision maker, regarding ((care)) plan or care options, the nursing home ((shall)) must:

(a) Provide the informed consent process to the resident in a neutral manner and in a language, words, and manner the resident can understand;

(b) Inform the resident of the right to consent to or refuse care and service options at the time of resident assessment and ((care)) plan of care development (see WAC 388-97-085 and 388-97-090) and with condition changes, as necessary to ensure that the resident's wishes are known;

(c) Inform the resident at the time of initial ((care)) plan of care decisions and periodically of the right to change his or her mind about an earlier consent or refusal decision;

(d) Ensure that evidence of informed consent or refusal is consistent with WAC 388-97-085((, Resident assessment)) and ((WAC)) 388-97-090((, Comprehensive care planning)); and

(e) Where appropriate, include evidence of resident's choice not to be informed as required in subsections ((4)) (2) and (3) of this section.

~~((4))~~ The nursing home shall take into account that if a resident's rights are being exercised by a surrogate decision maker, the surrogate decision maker shall:

(a) ~~First determine if the resident would consent or refuse the proposed or alternative treatment;~~

(b) ~~Discuss determination of consent or refusal with the resident whenever possible; and~~

~~(c) When a determination of the resident's consent or refusal of treatment cannot be made, make the decision in the best interest of the resident.))~~

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-065 Advance directives.** (1) "Advance directive" as used in this chapter means any document indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future such as power of attorney, health care directive, limited or restricted treatment (~~order, code/no code order~~) cardiopulmonary resuscitation (CPR), do not resuscitate (DNR), and ((anatomical gifts)) organ tissue donation.

(2) The nursing home (~~shall~~) must carry out the provisions of this section in accordance with the applicable provisions of WAC 388-97-055((Resident representative and decision making,)) and (~~WAC~~) 388-97-060(~~Informed consent~~), and with state law.

(3) The nursing home (~~shall~~) must:

(a) Document in the clinical record whether or not the resident has an advance directive;

(b) Not request or require the resident to have any advance directives and not condition the provision of care or otherwise discriminate against a resident on the basis of whether or not the resident has executed an advance directive;

(c) In a language and words the resident understands, inform the resident in writing and orally at the time of admission, and thereafter as necessary to ensure the resident's right to make informed choices, about:

(i) The right to make health care decisions, including the right to change his or her mind regarding previous decisions;

(ii) Nursing home policies and procedures concerning implementation of advance directives, including how the nursing home implements emergency responses; and

(d) Review and update as needed the resident advance directive information:

(i) At the resident's request;

(ii) When the resident's condition warrants review; and

(iii) When there is a significant change in the resident's condition.

~~((c) If needed, based on the outcome of the review in subsection (3)(d) of this section, update advance directive information.))~~

(4) When the nursing home becomes aware that a resident's health care directive is in conflict with facility practices and policies which are consistent with state and federal law, the nursing home (~~shall~~) must:

(a) Inform the resident of the existence of any nursing home practice or policy which would preclude implementing the health care directive;

(b) Provide the resident with written policies and procedures that explain under what circumstances a resident's health care directive will or will not be implemented by the nursing home;

(c) Meet with the resident to discuss the conflict; and

(d) Determine, in light of the conflicting practice or policy, whether the resident chooses to remain at the nursing home(~~; and~~

~~(e) Develop a plan in accordance with subsection (5) of this section; and~~

~~(f) Attach the plan to the resident's directive in the clinical record.~~

~~(5)):~~

(i) If the resident chooses to remain in the nursing home, develop with the resident a plan in accordance with chapter 70.122 RCW to implement the resident's wishes. The nursing home may need to actively participate in ensuring the execution of the plan, including moving the resident at the time of implementation to a care setting that will implement the resident's wishes(~~;~~

~~(6)).~~ Attach the plan to the resident's directive in the resident's clinical record; or

(ii) If, after recognizing the conflict between the resident's wishes and nursing home practice or policy (~~as determined in subsection (4)(b) of this section;~~) the resident chooses to seek other long-term care services, or another physician who will implement the directive, the nursing home (~~shall~~) must assist the resident in locating other appropriate services.

~~((7))~~ (5) If a terminally ill resident, in accordance with state law, wishes to die at home, the nursing home (~~shall~~) must:

(a) Use the informed consent process as described in WAC (~~388-97-120, Informed consent~~) 388-97-060, and explain to the resident the risks associated with discharge; and

(b) Discharge the resident as soon as reasonably possible.

#### NEW SECTION

##### **WAC 388-97-07005 Notice of rights and services.** (1)

The nursing home must inform the resident, before admission, or at the time of admission in the case of an emergency, and as changes occur during the resident's stay, both orally and in writing and in language and words that the resident understands, of his or her rights as a resident, including:

(a) All rules and regulations governing resident conduct and responsibilities during the stay in the nursing home;

(b) Advanced directives, and of any facility policy or practice that might conflict with the resident's advance directive if made;

(c) Advance notice or transfer requirements, consistent with RCW 70.129.150;

(d) Advance notice of deposits and refunds, consistent with RCW 70.129.150; and

(e) Items, services and activities available in the facility and of charges for those services, including any charges for services not covered under Medicare or Medicaid or by the facility's per diem rate.

(2) The resident has the right:

(a) Upon an oral or written request, to access all records pertaining to the resident including clinical records within twenty-four hours for Medicare certified and Medicaid certified facilities, and according to chapter 70.02 RCW; and

(b) After receipt of his or her records for inspection, to purchase at a cost not to exceed twenty-five cents a page, photocopies of the records or any portions of them upon request and two working days advance notice to the nursing home. For the purposes of this chapter, "**working days**" means Monday through Friday, except for legal holidays.

(3) The resident has the right to:

(a) Be fully informed in words and language that he or she can understand of his or her total health status, including, but not limited to, his or her medical condition;

(b) Accept or refuse treatment; and

(c) Refuse to participate in experimental research.

(4) The Medicare certified and Medicaid certified facility must inform each resident:

(a) Who is entitled to Medicaid benefits, in writing, prior to the time of admission to the nursing facility or, when the resident becomes eligible for Medicaid of the items, services and activities:

(i) That are included in nursing facility services under the Medicaid state plan and for which the resident may not be charged; and

(ii) That the facility offers and for which the resident may be charged, and the amount of charges for those services;

(b) That deposits and prepayment cannot be solicited or accepted from Medicare or Medicaid eligible residents; and

(c) That minimum stay requirements cannot be imposed on Medicare or Medicaid eligible residents.

(5) The nursing home must, except for emergencies, inform each resident in writing, thirty days in advance before changes are made to the availability or charges for items, services or activities specified in section (4)(a)(i) and (ii), or before changes to the facility rules.

(6) The private pay resident has the right to the following, regarding fee disclosure-deposits:

(a) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of an individual seeking admission to the facility, must provide the individual:

(i) Full disclosure in writing:

(A) Of the nursing home's schedule of charges for items, services, and activities provided by the facility; and

(B) Of what portion of the deposits, admissions fees, or minimum stay fee will be refunded to the resident if the resident leaves the facility.

(ii) The amount of any admission fees, deposits, or minimum stay fees.

(b) If a resident dies or is hospitalized or is transferred and does not return to the facility, the nursing home:

(i) Must refund any deposit or charges already paid, less the facility's per diem rate, for the days the resident actually resided or reserved or retained a bed in the facility, regardless of any minimum stay or discharge notice requirements; except that (ii) The facility may retain an additional amount to cover its reasonable, actual expenses incurred as a result of a private pay resident's move, not to exceed five days per diem charges, unless the resident has given advance notice in compliance with the admission agreement.

(c) The nursing home must refund any and all refunds due the resident within thirty days from the resident's date of discharge from the facility; and

(d) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract must be consistent with the requirements of this section.

(7) The nursing home must furnish a written description of legal rights which includes:

(a) A description of the manner of protecting personal funds, under WAC 388-97-07015.

(b) In the case of a nursing facility only, a description of the requirements and procedures for establishing eligibility for Medicaid, including the right to request an assessment which determines the extent of a couple's nonexempt resources at the time of institutionalization and attributes to the community spouse an equitable share of resources which cannot be considered available for payment toward the cost of the institutionalized spouse's medical care in his or her process of spending down to Medicaid eligibility levels;

(c) A posting of names, addresses, and telephone numbers of all relevant state client advocacy groups such as the state survey and certification agency, the state licensure office, the state ombudsman program, the protection and advocacy network, and the Medicaid fraud control unit; and

(d) A statement that the resident may file a complaint with the state survey and certification agency concerning resident abandonment, abuse, neglect, financial exploitation, and misappropriation of resident property in the nursing home.

(8) The nursing home must:

(a) Inform each resident of the name, and specialty of the physician responsible for his or her care; and

(b) Provide a way for each resident to contact his or her physician.

(9) The skilled nursing facility and nursing facility must prominently display in the facility written information, and provide to residents and applicants for admission oral and written information, about how to apply for and use Medicare and Medicaid benefits, and how to receive refunds for previous payments covered by such benefits.

(10) The written information provided by the nursing home pursuant to this section, and the terms of any admission contract executed between the nursing home and an individual seeking admission to the nursing home, must be consistent with the requirements of chapters 74.42 and 18.51 RCW and, in addition, for facilities certified under Medicare or Medicaid, with the applicable federal requirements.

#### NEW SECTION

**WAC 388-97-07010 Notification of changes.** (1) A nursing home must immediately inform the resident, consult with the resident's physician, and if known, notify the resident's surrogate decision maker, and when appropriate, with resident consent, interested family member(s) when there is:

(a) An accident involving the resident which results in injury and has the potential for requiring physician intervention;

(b) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychological status in either life-threatening conditions or clinical complications); refer to WAC 388-97-055;

(c) A need to alter treatment significantly (i.e., a need to discontinue an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or

(d) A decision to transfer or discharge the resident from the facility.

(2) The nursing home must also promptly notify the resident and, if known, the resident's surrogate decision maker, and when appropriate, with the resident's consent, interested family member(s) when there is:

(a) A change in room or roommate assignment, refer to the timing requirements in WAC 388-97-07065; or

(b) A change in resident rights under federal or state law or regulations as specified in WAC 388-97-07005.

(3) The nursing home must record and periodically update the address and phone number of the resident's legal surrogate decision maker and interested family member(s).

#### NEW SECTION

##### **WAC 388-97-07015 Protection of resident funds.** (1)

The resident has the right to manage his or her financial affairs and the nursing home may not require residents to deposit their personal funds with the nursing home.

(2) Upon written authorization of a resident, the nursing home must hold, safeguard, manage and account for the personal funds of the resident deposited with the nursing home.

(3) The nursing home must establish and maintain a system that assures a full, complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the nursing home on the resident's behalf and must:

(a) Deposit any resident's personal funds in excess of fifty dollars, one hundred dollars for Medicare residents, in an interest-bearing resident personal fund account or accounts, separate from any nursing home operating accounts, and credit all interest earned to the account;

(b) Keep personal funds under fifty dollars, one hundred dollars for Medicare residents, in a noninterest-bearing account or petty cash fund maintained for residents; and

(c) Make the individual financial record available to the resident or his or her surrogate decision maker through quarterly statements and on request.

(4) The nursing facility must notify each resident that receives Medicaid benefits:

(a) When the amount in the resident's account reaches two hundred dollars less than the SSI resource limit for one individual; and

(b) That if the amount in the account, in addition to the value of the resident's other nonexempt resources, reaches the SSI resource limit for one individual, the resident may lose eligibility for Medicaid or SSI.

(5) The nursing home must convey the resident's funds, and a final accounting of those funds, to the individual or jurisdiction administering the resident's estate, within thirty days of the death of any resident with a personal fund deposited with the nursing home. For a Medicaid resident, the

funds must be sent to the state of Washington, department of social and health services, office of financial recovery.

(6) The nursing facility must purchase a surety bond, or an approved alternative, to assure security of personal funds of residents deposited with the facility.

(7) Medicare certified and Medicaid certified facilities may not impose a charge against a resident's personal funds for any item or service for which payment is made under Medicaid or Medicare as described in 42 C.F.R. §483.10(c)(8).

(8) Medicare certified and Medicaid certified nursing facilities must:

(a) Not charge a resident (or the resident's representative) for any item or service not requested by the resident;

(b) Not require a resident, or the resident's representative, to request any item or service as a condition of admission or continued stay; and

(c) Inform the resident, or the resident's representative, requesting an item or services for which a charge will be made that there will be a charge for the item or service and what the charge will be.

#### NEW SECTION

##### **WAC 388-97-07020 Privacy and confidentiality.** (1)

The resident has the right to personal privacy and confidentiality of his or her personal and clinical records. Personal privacy includes:

(a) Accommodations;

(b) Medical treatment;

(c) Written and telephone communications

(d) Personal care;

(e) Visits; and

(f) Meetings with family and resident groups.

(2) The resident may approve or refuse the release of personal and clinical records to any individual outside the nursing home, unless the resident has been adjudged incapacitated according to state law.

(3) The resident's right to refuse release of personal and clinical records does not apply when:

(a) The resident is transferred to another health care institution; or

(b) Record release is required by law.

#### NEW SECTION

**WAC 388-97-07025 Work.** The resident has the right to:

(1) Refuse to perform services for the nursing home; and

(2) Perform services for the nursing home, if he or she chooses, when:

(a) The facility has documented the need or desire for work in the plan of care;

(b) The plan specifies the nature of the services performed and whether the services are voluntary or paid;

(c) Compensation for paid services is at or above prevailing rates; and

(d) The resident agrees to the work arrangement described in the plan of care.

NEW SECTION

**WAC 388-97-07030 Self-administration of drugs.** A resident may self-administer drugs if the interdisciplinary team has determined that this practice is safe.

NEW SECTION

**WAC 388-97-07035 Grievance rights.** A resident has the right to:

- (1) Voice grievances without discrimination or reprisal. Grievances include those with respect to treatment which has been furnished as well as that which has not been furnished.
- (2) Prompt efforts by the nursing home to resolve voiced grievances, including those with respect to the behavior of other residents.
- (3) File a complaint, contact, or provide information to the department, the long-term care ombudsman, the attorney general's office, and law enforcement agencies without interference, discrimination, or reprisal. All forms of retaliatory treatment are prohibited, including those listed in chapter 74.39A RCW.
- (4) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

NEW SECTION

**WAC 388-97-07040 Examination of survey results.**

- (1) A resident has the right to examine the results of the most recent survey and complaint investigation of the nursing home conducted by federal and state surveyors or inspectors and the plans of correction in effect with respect to the facility.
- (2) The nursing home must publicly post:
  - (a) A copy of the report and plan of correction of the most recent full survey and complaint investigations; and
  - (b) A notice that the results of the survey and investigation are available and the location of the reports.
- (3) The nursing home must post a copy or copies of survey and complaint investigations, with plans of correction, and notices, available for examination in a place or places:
  - (a) Readily accessible to residents, which does not require staff intervention to access; and
  - (b) In plain view of the nursing home residents, individuals visiting those residents, and individuals who inquire about placement in the facility.

NEW SECTION

**WAC 388-97-07045 Resident mail.** The resident has the right to privacy in written communications, including the right to:

- (1) Send and promptly receive mail that is unopened; and
- (2) Have access to stationery, postage and writing implements at the resident's own expense.

NEW SECTION

**WAC 388-97-07050 Access and visitation rights.** (1) The resident has the right and the nursing home must provide immediate access to any resident by the following:

- (a) Any representative of the secretary;
  - (b) Any representative of the state;
  - (c) The resident's personal physician;
  - (d) Any representative of the state long term care ombudsman (established under section 307 (a)(12) of the Older American's Act of 1965);
  - (e) The agency responsible for the protection and advocacy system for developmentally disabled individuals (established under part c of the Developmental Disabilities Assistance and Bill of Rights Act);
  - (f) The agency responsible for the protection and advocacy system for mentally ill individuals (established under the Protection and Advocacy for Mentally Ill Individuals Act);
  - (g) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and
  - (h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.
- (2) The nursing home must provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.
- (3) The nursing home must allow representatives of the state ombudsman, described in subsection (1)(d) of this section, to examine a resident's clinical records with the permission of the resident or the resident's surrogate decision maker, and consistent with state law. The ombudsman may also, under federal law, access resident's records when the resident is incapacitated and has no surrogate decision maker, and may access records over the objection of a surrogate decision maker if access is authorized by the state ombudsman pursuant to 42 C.F.R. §3058g(b).

NEW SECTION

**WAC 388-97-07055 Telephone.** The resident has the right to have twenty-four hour access to a telephone which:

- (1) Provides auditory privacy;
- (2) Is accessible to an individual with a disability and accommodates an individual with sensory impairment; and
- (3) Does not include the use of telephones in staff offices and at the nurses station(s).

NEW SECTION

**WAC 388-97-07060 Personal property.** (1) The resident has the right, unless to do so would infringe upon the rights or health and safety of other residents, to:

- (a) Retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits; and
- (b) Provide his or her own bed and other furniture, if desired and space permits; and

(c) Not be required to keep personal property locked in the facility office, safe, or similar arrangement.

(2) The nursing home must:

(a) Not request or require residents to sign waivers of potential liability for losses of personal property; and

(b) Have a system in place to safeguard personal property within the nursing home that protects the personal property and yet allows the resident to use his or her property.

#### NEW SECTION

**WAC 388-97-07065 Roommates/rooms.** (1) A resident has the right to:

(a) Share a room with his or her spouse when married residents live in the same facility and both spouses consent to the arrangement; and

(b) Receive three days notice of change in room or roommate except:

(i) For room changes: The move is at the resident's request; and

(ii) For room or roommate changes: A longer or shorter notice is required to protect the health or safety of the resident or another resident; or an admission to the facility is necessary, and the resident is informed in advance. The nursing home must recognize that the change may be traumatic for the resident and take steps to lessen the trauma.

(2) The nursing home must make reasonable efforts to accommodate residents wanting to share the same room.

#### NEW SECTION

**WAC 388-97-07070 Refusal of certain transfers.** In dually certified facilities all beds are Medicaid certified. Therefore the beds in a certified distinct part for Medicare are also nursing facility beds for Medicaid.

(1) Each resident has the right to refuse a transfer to another room within the facility, if the purpose of the transfer is to relocate:

(a) A resident from the Medicare distinct part of the facility to a part of the facility that is not a Medicare distinct part; or

(b) A resident from the part of the facility that is not a Medicare distinct part to the Medicare distinct part of the facility.

(2) A resident's exercise of the right to refuse transfer under subsection (1)(a) of this section does not affect the individual's eligibility or entitlement to Medicare or Medicaid benefits.

(3) The skilled nursing facility or nursing facility must inform residents of their rights under subsection (1) and (2) of this section at the time of the proposed transfer or relocation.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-075** (~~(Nursing home practices—Resident restraint and prevention of abuse)~~) **Chemical and physical restraints.** (1) (~~(Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R.~~

~~§483.13 will be deemed to meet subsections (2)(a) and (7) through (12) of this section:~~

~~(2) The resident has the right to be free from any physical or chemical restraints imposed for purposes of:~~

~~(a) DISCIPLINE OR CONVENIENCE, AND NOT REQUIRED TO TREAT THE RESIDENT'S MEDICAL SYMPTOMS; OR~~

~~(b) Preventing or limiting independent mobility or activity, except that a restraint may be used in a bona fide emergency situation when necessary to prevent a person from inflicting injury upon self or others. The nursing home shall obtain within seventy-two hours a physician's order for proper treatment resolving the emergency situation and eliminating the cause for the restraint. Intermediate care facilities for the mentally retarded (ICF/MR) are not required to obtain a physician's order for emergency restraints.~~

~~(3) The nursing home shall have written policies and procedures in place governing:~~

~~(a) Use of chemical and physical restraints;~~

~~(b) The personnel authorized to administer restraints in an emergency; and~~

~~(c) Monitoring and controlling the use of restraints.~~

~~(4) In certain situations, physical restraints may be necessary for persons with acute or chronic physical impairments. In these situations, the nursing home shall ensure the use of physical restraints is related to a specific need or problem identified in the comprehensive care plan.~~

~~(5) In any situation where chemical or physical restraint is used for a resident, the nursing home shall ensure:~~

~~(a) The informed consent process is followed as described under WAC 388-97-060; and~~

~~(b) The resident's care plan provides approaches to diminish or eliminate the use of the restraint, where possible.~~

~~(6) The nursing home shall ensure that any resident physically restricted is released:~~

~~(a) At intervals not to exceed two hours; and~~

~~(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.~~

~~(7) THE RESIDENT HAS THE RIGHT TO BE FREE FROM VERBAL, SEXUAL, PHYSICAL AND MENTAL ABUSE, CORPORAL PUNISHMENT, AND INVOLUNTARY SECLUSION.~~

~~(8) THE NURSING HOME SHALL DEVELOP AND IMPLEMENT WRITTEN POLICIES AND PROCEDURES THAT PROHIBIT MISTREATMENT, NEGLIGENCE AND ABUSE OF RESIDENTS AND MISAPPROPRIATION OF RESIDENT PROPERTY.~~

~~(9) THE NURSING HOME SHALL:~~

~~(a) NOT USE VERBAL, MENTAL, SEXUAL, OR PHYSICAL ABUSE, CORPORAL PUNISHMENT OR INVOLUNTARY SECLUSION;~~

~~(b) NOT EMPLOY PERSONS WHO HAVE BEEN:~~

~~(i) FOUND GUILTY OF ABUSING, NEGLECTING OR MISTREATING RESIDENTS; BY A COURT OF LAW; OR~~

~~(ii) HAVE HAD A FINDING ENTERED INTO THE STATE NURSE AIDE REGISTRY CONCERNING ABUSE, NEGLIGENCE, MISTREATMENT OF RESIDENTS, AND MISAPPROPRIATION OF THEIR PROPERTY; AND~~

~~(c) REPORT ANY KNOWLEDGE IT HAS OF ACTIONS BY A COURT OF LAW AGAINST AN EMPLOYEE, WHICH WOULD INDICATE UNFITNESS FOR SERVICES AS A NURSE AIDE OR OTHER FACILITY STAFF TO THE STATE NURSE AID REGISTRY OR LICENSING AUTHORITIES.~~

~~(10) THE NURSING HOME SHALL ENSURE THAT ALL ALLEGED VIOLATIONS INVOLVING MISTREATMENT, NEGLIGENCE~~

PERMANENT

~~OR ABUSE INCLUDING INJURIES OF UNKNOWN SOURCE, AND MISAPPROPRIATION OF RESIDENT PROPERTY ARE REPORTED IMMEDIATELY TO THE ADMINISTRATOR OF THE FACILITY AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW THROUGH ESTABLISHED PROCEDURES (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY):~~

~~(1) THE NURSING HOME SHALL:~~

~~(a) HAVE EVIDENCE THAT ALL ALLEGED VIOLATIONS ARE THOROUGHLY INVESTIGATED, AND~~

~~(b) PREVENT FURTHER POTENTIAL ABUSE WHILE THE INVESTIGATION IS IN PROGRESS.~~

~~(12) THE RESULTS OF ALL INVESTIGATIONS SHALL BE REPORTED TO THE ADMINISTRATOR OR HIS DESIGNATED REPRESENTATIVE AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY) WITHIN FIVE WORKING DAYS OF THE INCIDENT, AND IF THE ALLEGED VIOLATION IS VERIFIED APPROPRIATE CORRECTIVE ACTION MUST BE TAKEN.~~

~~(13) Nothing in this section precludes intermediate care facilities for the mentally retarded from using involuntary seclusion in accordance with the requirements of 42 C.F.R., Part 483, Subpart I)) The resident has the right to be free from any physical or chemical restraint imposed for purposes of:~~

~~(a) Discipline or convenience, and not required to treat the resident's medical symptoms; or~~

~~(b) Preventing or limiting independent mobility or activity.~~

~~(2) The nursing home must develop and implement written policies and procedures governing:~~

~~(a) The emergency use of restraints;~~

~~(b) The use of chemical and physical restraints, required for the treatment of the resident's medical symptoms, not for discipline or convenience;~~

~~(c) The personnel authorized to administer restraints in an emergency; and~~

~~(d) Monitoring and controlling the use of restraints.~~

~~(3) Physical restraints may be used in an emergency only when:~~

~~(a) It has been assessed as necessary to prevent a resident from inflicting injury to self or to others;~~

~~(b) The restraint is the least restrictive form of restraint possible;~~

~~(c) A physician's order is obtained:~~

~~(i) Within twenty-four hours; and~~

~~(ii) The order includes treatments to assist in resolving the emergency situation and eliminating the need for the restraint; and~~

~~(b) The resident is released from the restraint as soon as the emergency no longer exists.~~

~~(4) In certain situations, chemical or physical restraints may be necessary for residents with acute or chronic mental or physical impairments. When chemical or physical restraints are used the nursing home must ensure that:~~

~~(a) The use of the restraint is related to a specific medical need or problem identified through a multi-disciplinary assessment;~~

~~(b) The informed consent process is followed as described under WAC 388-97-060; and~~

~~(c) The resident's plan of care provides approaches to reduce or eliminate the use of the restraint, where possible.~~

~~(5) The nursing home must ensure that any resident physically restrained is released:~~

(a) At intervals not to exceed two hours; and

(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

## NEW SECTION

**WAC 388-97-076 Prevention of abuse.** (1) Each resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

(2) The nursing home must develop and implement written policies and procedures that:

(a) Prohibit abandonment, abuse, and neglect of residents, financial exploitation, and misappropriation of resident property; and

(b) Require staff to report possible abuse, and other related incidents, as required by chapter 74.34 RCW, and for skilled nursing facilities and nursing facilities 42 C.F.R. §483.13.

(3) The nursing home must not allow staff to:

(a) Engage in verbal, mental, sexual, or physical abuse;

(b) Use corporal punishment;

(c) Involuntarily seclude, abandon, neglect, or financially exploit residents; or

(d) Misappropriate resident property.

(4) The nursing home must not employ individuals in positions that will provide them with the opportunity for unsupervised access with vulnerable residents, if the individuals have:

(a) Been found to have abused, neglected, exploited or abandoned a minor or vulnerable adult, by a court of law or by a licensing authority;

(b) A finding of abuse, neglect, exploitation or abandonment on any state registry, including the nursing assistant registry; or

(c) Been found to have abused, neglected, or misappropriated resident property by the department's resident protection program.

(5) The nursing home must report any information it has about an action taken by a court of law against an employee to the department's complaint resolution unit and the appropriate department of health licensing authority, if that action would disqualify the individual from employment as described in RCW 43.43.842.

(6) The nursing home and mandatory reporters must ensure that all allegations involving abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, including injuries of unknown origin, are reported immediately to the department, other applicable officials, and the administrator of the facility. The nursing home must:

(a) Ensure that the reports are made through established procedures in accordance with state law including chapter 74.34 RCW, and guidelines developed by the department; and

(b) Not have any policy or procedure that interferes with the requirement of chapter 74.34 RCW that employees and other mandatory reporters file reports directly with the

department, and with law enforcement, if they suspect sexual or physical assault has occurred.

(7) The nursing home must:

- (a) Have evidence that all alleged violations are thoroughly investigated;
- (b) Prevent further potential abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property while the investigation is in progress; and
- (c) Report the results of all investigations to the administrator or his designated representative and to other officials in accordance with state law and established procedures (including the state survey and certification agency) within five working days of the incident, and if the alleged violation is verified appropriate action must be taken.

### NEW SECTION

#### **WAC 388-97-077 Resident protection program. (1)**

As used in this section, the term "**individual**," means any individual, including a volunteer, used by the facility to provide services to residents.

(2) The department will review all allegations of resident abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property, as defined in this chapter and RCW 74.34.020.

(3) If, after the review of an allegation, the department concludes that there is reason to believe that an individual has abused or neglected a resident, or has misappropriated a resident's property, then the department will initiate an investigation.

(4) The department's investigation may include, but is not limited to:

- (a) The review of facility and state agency records;
- (b) Interviews with any individuals who may have relevant information about the allegation; and
- (c) The collection of any evidence deemed necessary by the investigator.

(5) If, after review of the results of the investigation, the department makes a preliminary determination that the resident abuse, neglect, or misappropriation of resident funds has occurred, the department will make a preliminary finding to that effect; except that a preliminary finding of neglect will not be made if the individual is able to demonstrate, that the neglect was caused by factors beyond the control of the individual.

(6) Within ten days of making its preliminary determination, the department must send notice of a preliminary finding:

- (a) To the individual by first class and certified mail, return receipt requested. The department may choose to substitute personal service for certified mail;
- (b) To the current administrator of the facility where the incident occurred; and
- (c) To the appropriate licensing agency.

(7) The notice will include the following information:

- (a) A description of the allegation;
- (b) The date and time of the incident, if known;
- (c) That the individual may appeal the preliminary finding; and

(d) That the preliminary finding will become final unless the individual makes a written request for a hearing within thirty days of the date of the notice.

(8) The individual may appeal the department's preliminary finding of abuse, neglect or misappropriation of resident property by notifying the office of administrative hearings in writing within thirty days of the date of the notice.

(9) If, within one hundred eighty days of the date of the notice of the preliminary finding, an individual requests a hearing and can demonstrate good cause for failing to request a hearing within thirty days, the office of administrative hearing may grant the request. The individual's name will remain on the nursing assistant registry pending the outcome of the hearing.

(10) Upon receipt of a written request for a hearing from an individual, the office of administrative hearings will schedule a hearing, taking into account the following requirements:

(a) The hearing decision must be issued within one hundred twenty days of the date the office of administrative hearings receives a hearing request;

(b) The hearing will be conducted at a reasonable time and at a place that is convenient for the individual;

(c) The hearing, and any subsequent appeals, shall be governed by this chapter, chapter 34.05 RCW, and chapter 388-08 WAC, or its successor regulations;

(d) A continuance may be granted upon the request of any party for good cause, as long as the hearing decision can still be issued within one hundred twenty days of the date of the receipt of the appeal. Neither the department nor the individual can waive the one hundred twenty-day requirement. If, however, the administrative law judge finds that extenuating circumstances exist that will make it impossible to complete the record within one hundred twenty days, the administrative law judge may extend the one hundred twenty-day requirement a maximum of sixty days; and

(e) If the administrative law judge upholds the department's preliminary finding, it becomes final.

(11) The department will report a final finding of abuse, neglect and misappropriation of resident property within ten working days to the following:

- (a) The individual;
- (b) The current administrator of the facility in which the incident occurred;
- (c) The administrator of the facility that currently employs the individual;
- (d) The department's nursing assistant registry; and
- (e) The appropriate licensing authority.

(12) The individual against whom a finding is made is entitled to submit a statement disputing the allegations. Information about the finding, including the individual's statement, must be made available to all requesters.

(13) The findings will remain on the department's nursing assistant registry permanently unless:

- (a) The finding is set aside by further administrative or judicial review as provided for in chapter 34.05 RCW;
- (b) The department determines that the finding was made in error;

(c) The department removed a single finding of neglect from the nursing assistant registry based upon a petition by the individual as provided in 42 U.S.C. 1396r (g)(1)(C); or

(d) The department is notified of the individual's death.

(14) Information obtained during the investigation into allegations of abuse, neglect and misappropriation of property, and any documents generated by the department will be maintained and disseminated with regard for the privacy of the resident and any reporting individuals and in accordance with laws and regulations regarding confidentiality and privacy.

#### NEW SECTION

**WAC 388-97-08010 Resident dignity and accommodation of needs.** (1) Dignity. The nursing home must ensure that:

(a) Resident care is provided in a manner to enhance each resident's dignity, and to respect and recognize his or her individuality; and

(b) Each resident's personal care needs are provided in a private area free from exposure to individuals not involved in providing the care.

(2) Accommodation of needs. Each resident has the right to reasonable accommodation of personal needs and preferences, except when the health or safety of the individual or other residents would be endangered.

#### NEW SECTION

**WAC 388-97-08020 Environment.** The nursing home must provide and maintain:

(1) A safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

(2) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;

(3) Comfortable and safe temperature levels:

(a) Facilities licensed after October 1, 1990 must maintain a temperature range of seventy-one to eighty-one degrees Fahrenheit; and

(b) Regardless of external weather conditions, all nursing homes must develop and implement procedures and processes to maintain a temperature level that is comfortable and safe for residents;

(4) Comfortable sound levels, to include:

(a) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(b) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time; and

(5) Lighting suitable for any task the resident chooses to do, and any task the staff must do.

#### NEW SECTION

**WAC 388-97-08030 Self-determination and participation.** The resident has the right to:

(1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plan of care;

(2) Interact with members of the community both inside and outside the nursing home;

(3) Make choices about aspects of his or her life in the facility that are significant to the resident; and

(4) Participate in social, religious, and community activities that do not interfere with the rights of other residents in the nursing home.

#### NEW SECTION

**WAC 388-97-08040 Participation in resident and family groups.** (1) A resident has the right to organize and participate in resident groups in the nursing home.

(2) The nursing home must provide a resident or family group, if one exists, with private space.

(3) Staff or visitors may attend meetings only at the group's invitation.

(4) The nursing home must provide a designated staff individual responsible for providing assistance and responding to written requests that result from group meetings.

(5) When a resident or family group exists, the nursing home must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the nursing home.

(6) A resident's family has the right to meet in the nursing home with the families of other residents in the facility.

#### NEW SECTION

**WAC 388-97-08050 Activities.** The nursing home must:

(1) Provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental, and psychosocial well-being of each resident;

(2) Provide activities meaningful to the residents at various times throughout every day and evening based on each resident's need and preference; and

(3) Ensure that the activities program is directed by a qualified professional who:

(a) Is a qualified therapeutic recreation specialist or an activities professional who is eligible for certification as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body on or after October 1, 1990; or

(b) Has two years of experience in a social or recreational program within the last five years, one of which was full-time in a patient activities program in a health care setting; or

(c) Is a qualified occupational therapist or occupational therapy assistant.

#### NEW SECTION

**WAC 388-97-08060 Social services.** The nursing home must:

(1) Provide medically-related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident; and

(2) Employ a qualified social worker on a full-time basis if the nursing home has more than one hundred twenty beds. A qualified social worker is an individual with:

- (a) A bachelor's degree in social work or a bachelor's degree in a human services field including but not limited to sociology, special education, rehabilitation counseling, and psychology; and
- (b) One year of supervised social work experience in a health care setting working directly with patients or residents.

**NEW SECTION**

**WAC 388-97-08070 Pets.** (1) Each resident must have a reasonable opportunity to have regular contact with animals, if desired.

- (2) The nursing home must:
  - (a) Consider the recommendations of nursing home residents, resident councils, and staff;
  - (b) Determine how to provide residents access to animals;
  - (c) Determine the type and number of animals available in the facility, which the facility can safely manage. Such animals should include only those customarily considered domestic pets.
  - (d) Ensure that any resident's rights, preferences, and medical needs are not compromised by the presence of an animal; and
  - (e) Ensure any animal visiting or living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors.
- (3) Animals living on the nursing home premises must:
  - (a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and
  - (b) Be veterinarian certified to be free of diseases transmittable to humans.
- (4) Pets must be restricted from:
  - (a) Central food preparation areas; and
  - (b) Residents who object to the presence of pets.

**RESIDENT ASSESSMENT AND PLAN((S)) OF CARE**

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-085 Resident assessment.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.20 will be deemed to meet this section:~~

- ~~((2)))~~ The nursing home ~~((shall))~~ must:
  - ~~((a)))~~ Provide resident care based on a systematic, comprehensive, interdisciplinary assessment, and care planning process in which the resident ~~((actively))~~ participates, to the fullest extent possible.
  - ~~((b)))~~ ~~The nursing home shall:~~
    - ~~((a)))~~ (b) Conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity((

~~((c)))~~ At the time each resident is admitted~~((, have physician orders for the resident's immediate care; and~~

- ~~((e)))~~;
  - (i) Have physician's orders for the resident's immediate care; and
  - (ii) Ensure that the resident's immediate care needs are identified in an admission assessment; and
  - ~~((d)))~~ Ensure that the comprehensive assessment of a resident's needs describes the resident's capability to perform daily life functions and significant impairments in functional capacity.

~~((4)))~~ (2) The comprehensive assessment ~~((shall))~~ must include at least the following information:

- ~~((a)))~~ ~~((Medically defined conditions and prior medical history;~~
  - ~~((b)))~~ Medical status measurement;
  - ~~((c)))~~ Physical and mental functional status;
  - ~~((d)))~~ Sensory and physical impairments;
  - ~~((e)))~~ Nutritional status and requirements;
  - ~~((f)))~~ Special treatments or procedures;
  - ~~((g)))~~ Mental and psychosocial status;
  - ~~((h)))~~ Discharge potential;
  - ~~((i)))~~ Dental condition;
  - ~~((j)))~~ Activities potential;
  - ~~((k)))~~ Rehabilitation potential;
  - ~~((l)))~~ Cognitive status; and
  - ~~((m)))~~ Drug therapy.
- ~~((5)))~~ Identification and demographic information:
  - (b) Customary routine;
  - (c) Cognitive patterns;
  - (d) Communication;
  - (e) Vision;
  - (f) Mood and behavior patterns;
  - (g) Psychosocial well-being;
  - (h) Physical functioning and structural problems;
  - (i) Continence;
  - (j) Disease diagnosis and health conditions;
  - (k) Dental and nutritional status;
  - (l) Skin conditions;
  - (m) Activity pursuit;
  - (n) Medications;
  - (o) Special treatments and procedures;
  - (p) Discharge potential;
  - (q) Documentation of summary information regarding the assessment performed; and
  - (r) Documentation of participation in assessment.
- (3) The nursing home ~~((shall))~~ must conduct comprehensive assessments:
  - (a) No later than fourteen days after the date of admission;
  - (b) Promptly after a significant change in the resident's physical or mental condition; and
  - (c) In no case less often than once every twelve months.
- ~~((6)))~~ (4) The nursing home ~~((shall))~~ must ensure that:
  - (a) Each resident is ~~((examined))~~ assessed no less than once every three months, and as appropriate, the resident's assessment is revised to assure the continued accuracy of the assessment; and
  - (b) The results of the assessment are used to develop, review and revise the resident's comprehensive plan of care

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under WAC ((388-97-150)) 388-97-090(~~(-comprehensive planning)~~).

(5) The skilled nursing facility and nursing facility must:

(a) For the required assessment, complete the state approved resident assessment instrument (RAI) for each resident in accordance with federal requirements;

(b) Place copies of the completed state approved RAI in each resident's clinical record, unless all charting is computerized;

(c) Maintain all copies of resident assessments completed within the resident's active clinical record for fifteen months;

(d) Assess each resident not less than every three months, using the state approved assessment instrument; and

(e) Transmit all state and federally required RAI information for each resident to the department:

(i) In a manner approved by the department;

(ii) Within ten days of completion of any RAI required under this subsection; and

(iii) Within ten days of discharging or readmitting a resident.

**AMENDATORY SECTION** (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-090 Comprehensive plan of care** (~~(planning)~~). (1) (~~Medicaid-certified nursing facilities in compliance with federal regulations at 42 C.F.R. §483.20 will be deemed to meet subsections (2) and (3) of this section.~~

~~(2))~~ The nursing home ((shall)) must develop a comprehensive ((care)) plan of care for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing and mental and psychosocial needs that are identified in the comprehensive assessment.

~~((3))~~ (2) The comprehensive plan of care ((plan shall)) must:

(a) Describe the services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being as required under WAC 388-97-110(~~(-Quality of care)~~);

(b) Describe any services that would otherwise be required, but are not provided due to the resident's exercise of rights, including the right to refuse treatment (refer to WAC ((388-97-070, resident rights, and WAC)) 388-97-07005 and 388-97-060(~~(-Informed consent)~~));

(c) Be developed within seven days after completion of the comprehensive assessment;

(d) Be prepared by an interdisciplinary team that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the residents needs; ((and))

(e) Consist of an ongoing process which includes a meeting if desired by the resident or the resident's representative; and

(f) Include the ongoing participation of the resident to the fullest extent possible, the resident's family or the resident's ((legal representative)) surrogate decision maker.

(3) The nursing home must implement a plan of care to meet the immediate needs of newly admitted residents, prior

to the completion of the comprehensive assessment and plan of care.

(4) The nursing home ((shall)) must:

(a) Follow the informed consent process with the resident as specified in WAC 388-97-060(~~(-Informed consent)~~), regarding the interdisciplinary team's plan of care ((plan)) recommendations;

(b) Respect the resident's right to decide plan of care ((plan)) goals and treatment choices, including acceptance or refusal of plan of care ((plan)) recommendations;

(c) Include in the interdisciplinary plan of care ((plan)) process:

(i) Staff members requested by the resident; and

(ii) Direct care staff who work most closely with the resident;

(d) Respect the resident's wishes regarding which ((persons)) individuals, if any, the resident wants to take part in resident plan of care ((planning)) functions;

(e) Provide reasonable advance notice to and reasonably accommodate the resident(~~(-the resident's surrogate decision maker,))~~ family members or other ((persons)) individuals the resident wishes to have attend, when scheduling plan of care ((planning)) meeting times; and

(f) Where for practical reasons any ((persons)) individuals significant to the plan of care ((planning)) process, including the resident, are unable to attend plan of care ((planning)) meetings, provide a method for such ((persons)) individuals to give timely input and recommendations.

(5) The nursing home ((shall)) must ensure that ((resident care plans include)) each comprehensive plan of care:

(a) ((Designation of persons)) Designates the discipline of the individuals responsible for carrying out the program; and

(b) ((Review of the comprehensive care plan)) Is reviewed at least quarterly by qualified staff, as part of the ongoing process of monitoring the resident's needs and preferences.

#### NEW SECTION

**WAC 388-97-097 Dementia care.** (1) A nursing home must ensure that it provides residents with dementia with an environment designed to attain or maintain the highest level of functioning and well-being possible, taking into consideration the resident's medical condition and functional status. Therefore, the nursing home must:

(a) Have a program designed to meet the identified needs of the residents;

(b) Develop and implement program policies and procedures.

(c) Train all staff, who have resident contact, in the special needs and care approaches applicable to residents with dementia. This training must be ongoing and consistent with requirements under WAC 388-97-170 (2)(b).

(2) A nursing home that has a locked or secured dementia unit must:

(a) Always have staff present in the unit, available to meet the needs of the residents and to protect them in the event of an emergency;

(b) Have staff available to assist residents, as needed, in accessing outdoor areas;

(c) Have admission, transfer, and discharge criteria which ensures that:

(i) The process of informed consent is followed before admission to or transfer/discharge from the unit;

(ii) The resident is provided with unit specific admission or transfer/discharge criteria, prior to admission to the unit;

(iii) The resident's need for admission to the unit from another part of the nursing home, or transfer/discharge from the unit, is based on the comprehensive assessment and plan of care;

(iv) Through an evaluation prior to admission, a resident admitted directly from outside the nursing home meets the cognitive and functional criteria of the unit;

(v) In the case of an individual admitted directly to the unit from outside the nursing home, as specified in subsection (2)(b)(iv) above, the nursing home may complete the comprehensive assessment after the individual's admission to the unit, provided that the nursing home complies with required time frames for completion of the resident assessment under WAC 388-97-085.

(d) Provide private pay residents, or their surrogate decision maker written notification:

(i) If admitted from outside the nursing home, of additional charges, if any, for services, items, and activities in the unit, prior to admission; and

(ii) If admitted from another part of the nursing home, thirty days in advance of changes to those charges.

(e) Comply with physical plant requirements in WAC 388-97-350 through 388-97-35060, for existing facilities and for new construction.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-110 Quality of care.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.25 will be deemed to meet subsections (2) through (4) of this section, except for (4)(m) and (4)(n):~~

~~(2) Each resident shall receive and the nursing home shall)~~ Consistent with resident rights, the nursing home must provide each resident with the necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being, self-care and independence in accordance with his or her comprehensive assessment and plan of care.

~~((3))~~ (2) Based on the comprehensive assessment of a resident, the nursing home ~~((shall))~~ must ensure that:

(a) A resident's abilities in activities of daily living do not ~~((diminish))~~ decline unless circumstances of the resident's clinical condition demonstrate that ~~((diminution))~~ the decline was unavoidable. This includes the resident's ability to:

- (i) Bathe, dress, and groom;
- (ii) Transfer and ambulate;
- (iii) Toilet;
- (iv) Eat; and

(v) Use speech, language, or other functional communication systems.

~~((vi)) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene.))~~

(b) A resident is given the appropriate treatment and services to maintain or improve the resident's abilities in activities of daily living specified in subsection ~~((3))~~(2)(a) of this section; and

(c) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene.

~~((4))~~ (3) The nursing home ~~((shall))~~ must ensure that the appropriate care and services are provided to the resident in the following areas, as applicable in accordance with the resident's individualized assessments and plan of care ~~((plan))~~:

- (a) Vision and hearing;
- (b) Skin;
- (c) Continence;
- (d) Range of motion;
- (e) Mental and psychosocial functioning and adjustment;
- (f) Nasogastric and gastrostomy tubes;
- ~~((h))~~ (g) Accident prevention;
- ~~((i))~~ (h) Nutrition;
- ~~((j))~~ (i) Hydration;
- ~~((k))~~ (j) Special needs, including:
  - (i) Injections;
  - (ii) Parenteral and enteral fluids;
  - (iii) Colostomy, ureterostomy, or ileostomy care;
  - (iv) Tracheostomy care;
  - (v) Tracheal suction;
  - (vi) Respiratory care;
  - (vii) Dental care;
  - ~~((viii))~~ (viii) Foot care; and
  - ~~((ix))~~ (ix) Protheses.
- ~~((h))~~ (k) Medications, including freedom from:
  - (i) Unnecessary drugs;
  - (ii) Nursing home error rate of five percent or greater; and
  - (iii) Significant medication errors.

~~((m))~~ (l) Self-administration of medication; and

~~((n))~~ (m) Independent living skills.

~~((5))~~ (4) The nursing home ~~((shall))~~ must ensure that each resident is monitored for desired responses and undesirable side effects of prescribed drugs.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-115 Nursing services.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.30 will be deemed to meet subsections (2) and (3) of this section.~~

~~(2))~~ The nursing home ~~((shall))~~ must ensure that a sufficient number of qualified nursing personnel are available on a twenty-four hour basis seven days per week to provide nursing and related services to attain or maintain the highest practicable physical, mental and psychosocial well-being of

each resident as determined by resident assessments and individual plans of care.

~~((3))~~ (2) The nursing home ~~((shall))~~ must:

(a) Designate a registered nurse or licensed practical nurse to serve as charge nurse, who is accountable for nursing services on each tour of duty; and

(b) Have a full time director of nursing service who ~~((shall be))~~ is a registered nurse.

~~((4))~~ (3) The nursing home ~~((shall))~~ must have:

(a) A registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week; and

(b) A registered nurse or licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week;

~~(c) In intermediate care facilities for the mentally retarded (ICF/MR), there shall be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shifts if indicated. Subsections (3)(a) and (4)(a) and (b) of this section do not apply to intermediate care facilities for the mentally retarded.~~

(5)). "Directly supervising" means the supervising individual is on the premises and is quickly and easily available to provide necessary assessments and other direct care of residents; and oversight of supervised staff.

(4) The nursing home ~~((shall))~~ must ensure that staff respond to each resident's requests for assistance in a manner which promptly meets the quality of life and quality of care needs of all the residents.

~~((6))~~ (5) The director of nursing services ~~((shall be))~~ is responsible for:

(a) Coordinating the plan of care for each resident;

(b) Ensuring that registered nurses and licensed practical nurses comply with chapter ~~((18.88 RCW, and licensed practical nurses comply with chapter 18.78))~~ 18.79 RCW; and

(c) Ensuring that the nursing care provided is based on the nursing process in accordance with nationally recognized and accepted standards of professional nursing practice.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

WAC 388-97-120 Dietary services. The nursing home must:

(1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.35 will be deemed to meet subsections (2), (3), (8), (9), (10), (12)(a) and (13) of this section.~~

~~(2) THE NURSING HOME SHALL PROVIDE EACH RESIDENT WITH A NOURISHING, PALATABLE, WELL-BALANCED DIET THAT MEETS THE DAILY NUTRITIONAL AND SPECIAL DIETARY NEEDS OF EACH RESIDENT. THE FOOD SHALL BE SERVED IN SUCH A MANNER TO BE ATTRACTIVE AND AT TEMPERATURES SAFE AND ACCEPTABLE TO THE RESIDENT.~~

~~(3) THE NURSING HOME SHALL PROVIDE A MINIMUM OF THREE MEALS IN EACH TWENTY-FOUR HOUR PERIOD, AT REGULAR TIMES COMPARABLE TO NORMAL MEAL TIMES IN THE COMMUNITY.~~

~~(4) The nursing home shall make available to residents on a daily basis fresh fruits and vegetables in season.~~

~~(5) The nursing home shall make reasonable efforts to:~~

~~(a) Accommodate individual mealtime preferences and portion sizes, as well as preferences for between-meal and evening snacks when not medically contraindicated;~~

~~(b) Offer breakfast served later or an alternative to the regular breakfast for late risers; and~~

~~(c) Provide food consistent with the cultural and religious needs of the residents.~~

~~(6) The nursing home shall obtain input from residents and/or resident councils in meal planning, scheduling, and the menu selection process.~~

~~(7) The nursing home shall:~~

~~(a) Encourage residents to continue eating independently;~~

~~(b) Provide effective adaptive utensils as needed to promote independence;~~

~~(c) Allow sufficient time for eating in a relaxed manner;~~

~~(d) Provide individualized assistance as needed; and~~

~~(e) Provide table service, in a dining area/room, located outside of the resident's room, to all residents capable of eating at a table.~~

~~(8) THE NURSING HOME SHALL HAVE SUFFICIENT SUPPORT PERSONNEL COMPETENT TO CARRY OUT THE FUNCTIONS OF DIETARY SERVICE.~~

~~(9) THE FACILITY SHALL EMPLOY A REGISTERED AND CERTIFIED OR LICENSED DIETITIAN EITHER FULL-TIME, PART-TIME OR ON A CONSULTANT BASIS.~~

~~(10) IF A QUALIFIED DIETITIAN IS NOT EMPLOYED FULL-TIME, THE FACILITY SHALL EMPLOY A FOOD SERVICE MANAGER TO SERVE AS THE DIRECTOR OF FOOD SERVICE.~~

~~(11) The food service manager means a person who:~~

~~(a) Has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; or~~

~~(b) Has completed a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution; and~~

~~(c) Receives regularly scheduled consultation from a qualified dietitian. Consultation services include:~~

~~(i) Nutrition assessment;~~

~~(ii) Liaison with medical and nursing staff and administrator;~~

~~(iii) Inservice training;~~

~~(iv) Guidance to the director of food service and food service staff; and~~

~~(v) Approval of regular and therapeutic menus.~~

~~(12) THE DIETITIAN SHALL:~~

~~(a) APPROVE MENUS WHICH MEET THE DIETARY ALLOWANCES OF THE FOOD AND NUTRITION BOARD OF THE NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCES; AND~~

~~(b) Prepare dated menus for general and modified diets at least three weeks in advance; and~~

~~(c) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized receipts for at least three months for department review as necessary.~~

~~(13) WHEN A RESIDENT REFUSES FOOD SERVED, THE FACILITY SHALL OFFER A SUBSTITUTE OF A SIMILAR NUTRITIVE VALUE.~~

~~(14) The nursing home shall:~~

(a) Ensure menus are followed;  
 (b) Post the current dated general menu, including substitutions, in the food service area and in a place accessible and conspicuous to residents and visitors; and  
 (c) Note any variations, to the regular menu on the menu.

(15) The nursing home shall:

(a) Ensure residents' diets are provided as prescribed by the physician. Diet modifications for texture only may be used as an interim measure when ordered by a registered nurse; and

(b) Provide supplementary fluids and nourishments in accordance with the resident's individual needs as determined by the assessment process.

(16) The nursing home shall review a resident's modified diet to ensure the food form and texture are consistent with the resident's current needs and functional level:

(a) At the request of the resident;

(b) When the resident's condition warrants; and

(c) At the time of the care plan review.

(17) The nursing home shall ensure:

(a) A resident's tube feedings are of uniform consistency and quality; and

(b) Tube feedings are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

(18) ~~The nursing home shall ensure food service is in compliance with chapter 246-215 WAC, rules and regulations of the state board of health governing food services sanitation~~ Provide each resident with a nourishing, palatable, well-balanced diet that meets their daily nutritional and special dietary needs.

(2) Serve food in an attractive manner and at temperatures safe and acceptable to each resident.

(3) Ensure that food service is in compliance with chapter 246-215 WAC.

(4) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.

#### NEW SECTION

**WAC 388-97-12010 Meal provision.** The nursing home must:

(1) Provide a minimum of three meals in each twenty-four period, at regular times similar to normal meal times in the community;

(2) Make fresh fruits and vegetables, in season, available to residents on a daily basis;

(3) Make reasonable efforts to:

(a) Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;

(b) Offer a late breakfast or an alternative to the regular breakfast for late risers; and

(c) Provide food consistent with the cultural and religious needs of the residents.

(4) Use input from residents and the resident council, if the nursing home has one, in meal planning, scheduling, and the meal selection process.

#### NEW SECTION

**WAC 388-97-12020 Individual dietary needs.** The nursing home must:

(1) Encourage residents to continue eating independently;

(2) Provide effective adaptive utensils as needed to promote independence;

(3) Allow sufficient time for eating in a relaxed manner;

(4) Provide individualized assistance as needed;

(5) Provide table service, for all residents capable of eating at a table, in a dining area/room, located outside of the resident's room; and

(6) Offer a substitute of similar nutritive value when a resident refuses food served.

#### NEW SECTION

**WAC 388-97-12030 Dietary personnel.** The nursing home must have sufficient support personnel capable of carrying out the functions of dietary services and must:

(1) Employ a qualified dietitian either full-time, part-time or on a consultant basis who must:

(a) Approve regular and therapeutic menus which meet the dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;

(b) Prepare dated menus for general and modified diets at least three weeks in advance;

(c) Provide services which include:

(i) Nutrition assessment;

(ii) Liaison with medical and nursing staff, and administrator;

(iii) Inservice training; and

(iv) Guidance to the director of food service, and food service staff.

(2) If a qualified dietitian is not employed full-time as the food service manager the nursing home must employ a food service manager to serve as the director of food service.

(3) The food service manager means:

(a) An individual who is a qualified dietitian; or

(b) An individual:

(i) Who has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; and

(ii) Receives regularly scheduled consultation from a qualified dietitian.

#### NEW SECTION

**WAC 388-97-12040 Dietary menus.** The nursing home must:

(1) Ensure that menus are followed;

(2) Post the current dated general menu, including substitutes, in the food service area and in a place accessible and conspicuous to residents and visitors, in print the residents can read; and

(3) Note any changes to the regular menu on the posted menu.

NEW SECTION

**WAC 388-97-12050 Diet orders.** The nursing home must:

- (1) Ensure that residents' diets are provided as prescribed by the physician. Diet modifications, for texture only, may be used as an interim measure when ordered by a registered nurse; and
- (2) Provide supplementary fluid and nourishment in accordance with each resident's needs as determined by the assessment process.

NEW SECTION

**WAC 388-97-12060 Modified diets.** The nursing home must review a resident's modified diet to ensure that the food form and texture are consistent with the resident's current needs and functional level:

- (1) At the request of the resident.
- (2) When the resident's condition warrants.
- (3) At the time of the plan of care review.

NEW SECTION

**WAC 388-97-12070 Tube feedings.** If the nursing home prepares tube feeding formula, or mixes additives to the prepared formula it must ensure that:

- (1) Each resident's tube feedings are of uniform consistency and quality; and
- (2) Tube feeding formulas are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-125 Physician services.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.40 will be deemed to meet subsections (2) through (9) of this section.~~

~~((2)))~~ Except as specified in RCW 74.42.200, a physician ~~((shall))~~ must personally approve in writing a recommendation that ~~((a person))~~ an individual be admitted to a nursing home.

~~((3)))~~ (2) The nursing home ~~((shall))~~ must ensure that:

(a) Except as specified in RCW 74.42.200, the medical care of each resident is supervised by a physician; ~~((and))~~

(b) Another physician supervises the medical care of residents when their attending physician is unavailable~~((:~~

~~((4))~~ ~~The nursing home shall provide, or arrange for the provision, of physician services); and~~

(c) Physician services are provided twenty-four hours per day, in case of emergency.

~~((5)))~~ (3) The physician ~~((shall))~~ must:

(a) Review the resident's total program of care, including medications and treatments, at each federally required visit;

(b) Write, sign and date progress notes at each visit; and

(c) Sign and date all orders.

~~((6)))~~ (4) Except as specified in subsections ~~((7) and (8)))~~ (5) and (6) of this section, a physician may delegate

tasks to a physician's assistant or advanced registered nurse practitioner who is:

(a) Licensed by the state;

(b) Acting within the scope of practice as defined by state law; and

(c) Under the supervision of the physician.

~~((7)))~~ (5) The physician may not delegate a task when the delegation is prohibited under state law or by the facility's own policies.

~~((8)))~~ (6) In the Medicare-certified portion of the facility, the physician may:

(a) Alternate federally required physician visits between personal visits by:

(i) The physician; and

(ii) An advanced registered nurse practitioner or physician's assistant; and

(b) Not delegate responsibility for the initial required physician visit.

~~((9)))~~ (7) In Medicaid-certified nursing facilities the physician may delegate any federally required physician task, including tasks which the regulations specify must be performed personally by the physician, to a physician's assistant or advanced registered nurse practitioner who is not an employee of the facility but who is working in collaboration with a physician.

~~((10)))~~ (8) The attending physician, or the physician-designated advanced registered nurse practitioner or physician's assistant ~~((shall))~~ must:

(a) Participate in the interdisciplinary plan of care ~~((planning))~~ process as described in WAC 388-97-090;

(b) Provide to the resident, or where applicable the resident's surrogate decision maker, information so that the resident can make an informed consent to care or refusal of care (see WAC 388-97-060~~((,-Informed consent)))~~); and

(c) Order resident self-medication when appropriate.

~~((11)))~~ (9) The nursing home ~~((shall have))~~ must obtain from the physician the following medical information before or at the time of the resident's admission:

(a) A summary or summaries of the resident's current health status, including history and physical findings reflecting a review of systems;

(b) Orders, as necessary for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and any restrictions related to physical mobility; and

(c) Plans for continuing care and discharge.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-130 Specialized habilitative and rehabilitative services.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.45 will be deemed to meet subsection (2) of this section.~~

~~((2)))~~ If specialized habilitative and rehabilitative services such as, but not limited to, physical therapy, speech-language pathology, occupational therapy, and mental health rehabilitative services for mental illness and mental retardation, are required in the resident's comprehensive plan of care, the facility ~~((shall))~~ must:

(a) Provide the required services; or

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(b) Obtain the required services from an outside provider of specialized rehabilitative services.

~~((3))~~ (2) As determined by the resident's individualized comprehensive plan of care (~~plan~~), qualified therapists, as defined in (~~WAC 388-96-010, shall~~) RCW 74.46.020(40), will provide specialized habilitative or rehabilitative services under the written order of the physician. According to state law and at the qualified therapist's discretion, certain services may be delegated to and provided by support personnel under appropriate supervision.

~~((4))~~ (3) The nursing facility must:

(a) Ensure that residents who display mental or psychosocial adjustment difficulties receive appropriate treatment and services to correct the assessed problem; and

(b) Provide or arrange for the mental health or mental retardation services needed by residents that are of a lesser intensity than the specialized services defined at WAC 388-97-251.

(4) The nursing home may provide specialized rehabilitative and habilitative services to outpatients on the facility premises, only if the nursing home continues to also meet the needs of current residents.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-135 Pharmacy services.** (1) (~~Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.60 will be deemed to meet subsections (2) and (3) of this section:~~

~~(2))~~ The nursing home (~~shall~~) must:

(a) Obtain routine and emergency drugs and biologicals for its residents under an agreement with a licensed pharmacy;

(b) Ensure that pharmaceutical services:

(i) Meet the needs of each resident;

(ii) Establish and monitor systems for the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals; and

(c) Employ or obtain the services of a licensed pharmacist who (~~shall~~) must:

(i) Provide consultation on all aspects of the provision of pharmacy services in the nursing home;

(ii) Determine that nursing home drug records are in order;

(iii) Perform regular reviews at least once each month of each resident's drug therapy; and

(iv) Document and report drug irregularities to the attending physician and the director of nursing.

~~((3))~~ (2) Drugs and biologicals used in the nursing home (~~shall~~) must be labeled and stored in accordance with applicable state and federal laws.

~~((4))~~ (3) The nursing home (~~shall~~) must provide pharmaceutical services that:

(a) Meet recognized and accepted standards of pharmacy practice; and

(b) Comply with chapter 246-865 WAC(~~(-Pharmaceutical services extended care facility)~~), except nursing home staff administering drugs to residents may document admin-

istration at the time of pouring the drug or immediately after administration.

~~((5))~~ (4) The nursing home (~~shall~~) must ensure:

(a) Education and training for nursing home staff by the licensed pharmacist on drug-related subjects including, but not limited to:

(i) Recognized and accepted standards of pharmacy practice and applicable pharmacy laws and rules;

(ii) Appropriate monitoring of residents (~~by staff~~) to determine desired effect and undesirable side effects of drug regimens; and

(iii) Use of psychotropic drugs.

(b) Reference materials regarding medication administration, adverse reactions, toxicology, and poison center information are readily available;

(c) Pharmacist monthly drug review reports are acted on in a timely and effective manner;

~~((e))~~ (d) Accurate detection, documentation, reporting and resolution of drug errors and adverse drug reactions;

~~((4))~~ and

(e) Only (~~persons~~) individuals authorized by state law to do so (~~shall~~) will receive drug orders and administer drugs;

~~((6))~~ (5) The resident (~~shall have~~) has the right to a choice of pharmacies when purchasing prescription and non-prescription drugs as long as the following conditions are met to ensure the resident is protected from medication errors:

(a) The medications are delivered in a unit of use compatible with the established system of the facility for dispensing drugs; and

(b) The medications are delivered in a timely manner to prevent interruption of dose schedule.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-140 Infection control.** (1) (~~Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.65 will be deemed to meet the requirements of subsections (2), (3), and (4):~~

~~(2))~~ The nursing home (~~shall~~) must:

(a) Establish and maintain an effective infection control program designed to provide a safe, sanitary, and comfortable environment and to help prevent the development and transmission of disease and infection;

(b) Prohibit any employee with a communicable disease or infected skin lesion from direct contact with residents or their food, if direct contact could transmit the disease; and

(c) Require staff to wash their hands after each direct resident contact for which handwashing is indicated by accepted professional practice.

~~((3))~~ (2) Under the infection control program, the nursing home (~~shall~~) must:

(a) Investigate, control and prevent infections in the facility;

(b) Decide what procedures should be applied in individual circumstances; and

(c) Maintain a record of incidence of infection and corrective action taken.

~~((4))~~ (3) Nursing home personnel must handle, store, process, and transport linens so as to prevent the spread of infection.

~~((5))~~ The nursing home shall report any case or suspected case of a reportable disease to the appropriate department of health officer.

~~(6))~~ (4) The nursing home ~~((shall))~~ must develop and implement effective methods for the safe storage, transport and disposal of garbage, refuse and infectious waste, consistent with all applicable local, state, and federal requirements for such disposal.

~~((7))~~ (5) The nursing home ~~((shall))~~ must provide areas, equipment, and supplies to implement an effective infection control program ~~((The nursing home shall))~~ and ensure:

(a) Ready availability of hand cleaning supplies and appropriate drying equipment or material at each sink;

(b) Safe use of disposable and single service supplies and equipment;

(c) Effective procedures for cleaning, disinfecting or sterilizing according to equipment use;

(d) Chemicals and equipment used for cleaning, disinfecting, and sterilizing, including chemicals used to launder personal clothing, are used in accordance with manufacturer's directions and recommendations; and

(e) Safe and effective procedures for disinfecting:

(i) All bathing and therapy tubs between each resident use; and

(ii) Swimming pools, spas and hot tubs.

#### NEW SECTION

#### **WAC 388-97-147 Surveillance, management and early identification of individuals with active tuberculosis.**

(1) The nursing home must develop and implement policies and procedures that comply with nationally recognized tuberculosis standards set by the Centers for Disease Control (CDC), and applicable state law. Such policies and procedures include, but are not limited to, the following:

(a) Evaluation of any resident or employee with symptoms suggestive of tuberculosis whether tuberculin skin test results were positive or negative;

(b) Identifying and following up residents and personnel with suspected or actual tuberculosis, in a timely manner; and

(c) Identifying and following up visitors and volunteers with symptoms suggestive of tuberculosis.

(2) The nursing home must comply with chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA) requirements to protect the health and safety of employees.

(3) The nursing home must ensure that tuberculosis screening is carried out as follows:

(a) Skin testing, whether documented historically or performed currently, must be by intradermal (Mantoux) administration of purified protein derivative (PPD) and read in forty-eight to seventy-two hours of administration, by trained personnel, and with results recorded in millimeters of induration;

(b) The nursing home must conduct tuberculin skin testing of residents and personnel, within three days of admission or hire, to establish tuberculosis status.

(c) The skin test must consist of a baseline two step test, given no more than one to three weeks apart, unless the individual meets the requirements in (d) or (e) of this subsection.

(d) An individual does not need to be skin tested for tuberculosis if he/she has:

(i) A documented history of a previous positive skin test results;

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(e) An individual needs to have only a one-step skin test upon admission or employment if:

(i) There was documented history of a negative result from previous two step testing; or

(ii) There was a documented negative result from one step skin testing in the previous twelve months.

(f) Annual one step skin testing for personnel, thereafter.

(4) If the skin test results in a positive reaction the nursing home must:

(a) Ensure that the individual has a chest X-ray within seven days; and

(b) Evaluate each resident or employee, with a positive test result, for signs and symptoms of tuberculosis.

(5) Where tuberculosis is suspected, by presenting symptoms, or diagnosed, for a resident or an employee, the nursing home must:

(a) Notify the local public health officer so that appropriate contact investigation can be performed;

(b) Institute appropriate measures for the control of the transmission of droplet nuclei;

(c) Apply living or work restrictions where residents or personnel are, or may be, infectious and pose a risk to other residents and personnel; and

(d) Ensure that personnel caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection found in WAC 296-62-071.

(6) The nursing home must:

(a) Retain records of the tuberculin test results, reports of X-ray findings, physician or public health official orders, and declination in the nursing home; and

(b) Retain employee tuberculin testing results for the duration of employment; and

(c) Provide the employee a copy of his/her testing results.

(7) The local health department may require additional tuberculin testing of residents or personnel as necessary for contact investigation.

(8) A resident or employee who has reason to decline skin testing may submit a signed statement to the nursing home giving the reason for declining and evidence to support the reason.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-155 Care of residents with active tuberculosis.** (1) ~~((Where))~~ When the nursing home accepts the care of a resident with suspected or confirmed tuberculosis, the nursing home ~~((shall))~~ must:

(a) Coordinate the resident's admission, nursing home care, discharge planning, and discharge with the local health officer or officer designee; ~~((and))~~

(b) Provide necessary education about tuberculosis for staff, visitors, and residents; and

(c) Ensure that personnel caring for a resident with active tuberculosis comply with the WISHA standards for respiratory protection, WAC 246-62-071.

(2) For a resident who requires respiratory isolation for tuberculosis, the nursing home ~~((shall))~~ must:

(a) Provide a private or semiprivate isolation room:

(i) In accordance with WAC ~~((388-97-330(2), Resident rooms))~~ 388-97-33040;

(ii) In which, construction review of the department of health determines that room air is maintained under negative pressure; and appropriately exhausted, either directly to the outside away from intake vents or through properly designed, installed, and maintained high efficiency particulate air (HEPA) filters(¿), or other measures deemed appropriate to protect others in the facility;

(iii) However, when a semiprivate isolation room is used, only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.

(b) Provide supplemental environment approaches, such as ultraviolet lights, where deemed to be necessary;

(c) Provide appropriate protective equipment for staff and visitors; and

(d) Have measures in place for the decontamination of equipment and other items used by the resident.

~~((3) When a semiprivate isolation room is utilized, the nursing home shall ensure that only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.))~~

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-160 General administration.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75 will be deemed to meet subsections (2) through (6) of this section.~~

~~((2))~~ The nursing home ((shall)) must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well being of each resident.

~~((3))~~ (2) The nursing home must:

(a) Be licensed under chapter 18.51 RCW;

(b) Operate and provide services in compliance with:

(i) All applicable federal, state and local laws, regulations, and codes;

(ii) Accepted professional standards and principles that apply to professionals providing services in nursing homes; and

(c) Have a governing body or designated ~~((persons))~~ individuals functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the nursing home.

~~((4))~~ (3) The governing body of the nursing home ~~((shall))~~ must appoint the administrator who ~~((is))~~:

(a) Is licensed by the state; ~~((and))~~

(b) Is responsible for management of the facility;

(c) Keeps the licensee informed of all surveys and notices of noncompliance;

(d) Complies with all requirements of chapter 18.52 RCW, and all regulations put into effect under the chapter;

(e) Is an onsite, full-time individual in active administrative charge at the premises of only one nursing home, a minimum of four days and an average of forty hours per week. Exception: Onsite, full-time administrator with small resident populations or in rural areas will be defined as an individual in active administrative charge at the premises of only one nursing home:

(i) A minimum of four days and an average of twenty hours per week at facilities with one to thirty beds; or

(ii) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine beds; and

(4) Nursing homes temporarily without an administrator may operate up to four continuous weeks under a responsible individual authorized to act as administrator designee. The designee must be qualified by experience to assume designated duties and the nursing home must have a written agreement with a Washington State licensed nursing home administrator who must be available to consult with the designee.

(5) The nursing home ~~((shall))~~ must employ on a full time, part time or consultant basis those professionals necessary to carry out the requirements of this chapter.

(6) If the nursing home does not employ a qualified professional ~~((person))~~ individual to furnish a specific service to be provided by the nursing home, the nursing home ~~((shall))~~ must:

(a) Have that service furnished to residents by ~~((a person))~~ an individual or agency outside the nursing home under a written arrangement or agreement; and

(b) Ensure the arrangement or agreement referred to in ~~((subsection (6))~~(a) of this subsection specifies in writing that the nursing home assumes responsibility for:

(i) Obtaining services that meet professional standards and principles that apply to professionals providing services in nursing homes; and

(ii) The timeliness of services.

~~((7))~~ The nursing home administrator shall comply with all requirements of chapter 18.52 RCW and all regulations promulgated thereunder.

~~((8))~~ The nursing home ((shall report to the local law enforcement agency any person threatening bodily harm or causing a disturbance of such magnitude as to threaten any person's welfare and safety)) must:

(a) Report to the local law enforcement agency and the department any individual threatening bodily harm or causing a disturbance which threatens any individual's welfare and safety;

(b) Identify, investigate, and report incidents involving residents, according to established nursing home guidelines; and

(c) Comply with "whistle blower" rules as defined in chapter 74.34 RCW. "Whistle blower" means a resident or employee of a nursing home, or any individual licensed under Title 18 RCW, who in good faith reports alleged abandonment, abuse, neglect, financial exploitation, or misappropriation of resident property to the department.

(8) The department will:

(a) Discourage "whistle blower" complaints made in bad faith;

(b) Take action against a nursing home that is found to have used retaliatory treatment toward a resident or employee who has voiced grievances; and

(c) Investigate complaints, made to the department's toll free number, according to established protocols.

#### NEW SECTION

**WAC 388-97-162 Required notification and reporting.** (1) The nursing home and mandatory reporters under chapter 74.34 RCW are responsible for the reporting and notification requirements found in this section and elsewhere in this chapter.

(2) The nursing home and mandatory reporters, where applicable, must immediately notify the department's aging and adult services administration (AASA) of:

(a) Any allegations of resident abandonment, abuse, or neglect, including substantial injuries of an unknown source, financial exploitation and misappropriation of a resident's property;

(b) Any unusual event, having an actual or potential negative impact on residents, requiring the actual or potential implementation of the nursing home's disaster plan. These unusual events include but are not limited to those listed under WAC 388-97-185 (1)(a) through (k), and could include the evacuation of all or part of the residents to another area of the nursing home or to another address; and

(c) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

(3) The nursing home must notify the department's AASA of:

(a) Physical plant changes, including but not limited to:

- (i) New construction;
- (ii) Proposed resident area or room use change;
- (iii) Resident room number changes; and
- (iv) Proposed bed banking;

(b) Mechanical failure of equipment important to the everyday functioning of the facility, which cannot be repaired within a reasonable time frame, such as an elevator; and

(c) An actual or proposed change of ownership (CHOW).

(4) The nursing home must notify, in writing, the department's AASA and each resident, of a loss of, or change in, the nursing home's administrator or director of nursing services at the time the loss or change occurs.

(5) The nursing home licensee must notify the department in writing of any change in the name of the licensee, or of the nursing home, at the time the change occurs.

(6) If a licensee operates in a building it does not own, the licensee must immediately notify the department of the occurrence of any event of default under the terms of the lease, or if it receives verbal or written notice that the lease agreement will be terminated, or that the lease agreement will not be renewed.

(7) The nursing home must report any case or suspected case of a reportable disease to the appropriate department of health officer and must also notify the appropriate department(s) of other health and safety issues, according to state and local laws.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-165 Staff and equipment.** (1) The nursing home ~~((shall))~~ **must** ensure that:

(a) Sufficient numbers of appropriately qualified and trained staff are available to provide necessary care and services safely under routine conditions, as well as fire, emergency, and disaster situations;

(b) Adequate equipment, supplies and space are available to carry out all functions and responsibilities of the nursing home; ~~((and))~~

(c) All staff, including management, provide care and services consistent with:

(i) Empowering each resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, self-care and independence;

(ii) Respecting resident rights; and

(iii) Enhancing each resident's quality of life.

(2) The nursing home ~~((shall))~~ **must** ensure that any employee giving direct resident care, excluding professionally licensed nursing staff:

(a) Has successfully completed or is a student in a DSHS-approved nursing assistant training program; and

(b) Meets other requirements applicable to ~~((persons))~~ individuals performing nursing related duties in a nursing home, including those which apply to minors.

(3) The nursing home ~~((shall))~~ **must** ensure:

(a) Students in an DSHS-approved nursing assistant training program:

(i) Complete training and competency evaluation within four months of beginning work as a nursing assistant;

(ii) Complete at least sixteen hours of training in communication and interpersonal skills, infection control, safety/emergency procedures including the Heimlich maneuver, promoting residents' independence, and respecting residents' rights before any direct contact with a resident; and

(iii) Wear name tags which clearly identify student or trainee status at all times in all interactions with residents and visitors in all nursing homes, including the nursing homes in which the student completes clinical training requirements and in which the student is employed;

(b) Residents and visitors have sufficient information to distinguish between the varying qualifications of nursing assistants; and

(c) Each employee hired as a nursing assistant applies for registration with the department of health within three days of employment in accordance with chapter 18.88A RCW.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-170 Staff development.** (1) The nursing home ~~((shall))~~ must have a staff development program that is under the direction of a designated registered nurse or licensed practical nurse.

(2) The nursing home ~~((shall))~~ must:

(a) Ensure each employee receives initial orientation to the facility and its policies and is initially assigned only to duties for which the employee has demonstrated competence;

(b) Ensure all employees receive appropriate inservice education to maintain a level of knowledge appropriate to, and demonstrated competence in, the performance of ongoing job duties consistent with the principle of assisting the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being. To this end, the nursing home ~~((shall))~~ must:

(i) Assess the specific training needs of each employee and address those needs; and

(ii) Determine the special needs of the nursing home's resident population which may require training emphasis.

(c) Comply with other applicable training requirements, such as, but not limited to, the bloodborne pathogen standard.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-175 Medical director.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(i) will be deemed to meet this section.~~

~~(2) Except for intermediate care facilities for the mentally retarded (ICF/MR),)~~ The nursing home ~~((shall))~~ must designate a physician to serve as medical director.

~~((3))~~ (2) The medical director is responsible for:

(a) Implementation of resident care policies; and

(b) The coordination of medical care in the facility.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-180 Clinical records.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(1) will be deemed to meet subsection (2) of this section.~~

~~(2))~~ The nursing home ~~((shall))~~ must:

(a) Maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

(i) Complete;

(ii) Accurately documented;

(iii) Readily accessible; and

(iv) Systematically organized.

(b) Safeguard clinical record information against alteration, loss, destruction, and unauthorized use; and

(c) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

(i) Transfer to another health care institution;

(ii) Law;

(iii) Third party payment contract; or

(iv) The resident.

~~((3))~~ (2) The nursing home ~~((shall))~~ must ensure the clinical record of each resident includes at least the following:

(a) Resident identification and sociological data, including the name and address of the ~~((person or persons))~~ individual or individuals the resident designates as significant;

(b) Medical information required under WAC 388-97-125~~((, Physician services.))~~;

(c) Physician's orders;

(d) Assessments;

(e) Plans of care;

(f) Services provided;

(g) In the case of the Medicaid-certified nursing facility, records related to preadmission screening and ~~((annual))~~ resident review;

(h) Progress notes;

(i) Medications administered;

(j) Consents, authorizations, releases;

(k) Allergic responses;

(l) Laboratory, X-ray, and other findings; and

(m) Other records as appropriate.

~~((4))~~ (3) The nursing home ~~((shall))~~ must:

(a) Designate ~~((a person))~~ an individual responsible for the record system who:

(i) Has appropriate training and experience in clinical record management; or

(ii) Receives consultation from a qualified clinical record practitioner, such as an registered record administrator or accredited record technician.

(b) Make all records available to authorized representatives of the department for review and duplication as necessary; and

(c) Maintain the following:

(i) A master resident index having a reference for each resident including the health record number, if applicable; full name; date of birth; admission dates; and discharge dates; and

(ii) A chronological census register, including all admissions, discharge, deaths and transfers, and noting the receiving facility. The nursing home ~~((shall))~~ must ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

~~((5))~~ (4) The nursing home ~~((shall))~~ must ensure the clinical record of each resident:

(a) Is documented and authenticated accurately, promptly and legibly by ~~((persons))~~ individuals giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services~~((, and))~~. "Authenticated" means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible individual; and:

(i) Documents from other health care facilities that are clearly identified as being authenticated at that facility ~~((shall))~~ will be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document ~~((shall))~~ will be accepted.

(b) Contains appropriate information for a deceased resident including:

(i) The time and date of death;

(ii) Apparent cause of death;

(iii) Notification of the physician and appropriate resident representative; and

(iv) The disposition of the body and personal effects.

~~((6))~~ (5) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home ~~((shall))~~ must:

(a) Have in place safeguards to prevent unauthorized access; and

(b) Provide for reconstruction of information.

~~((7))~~ (6) The nursing home ~~((shall))~~ must:

(a) Retain health records for the time period required in RCW 18.51.300(3);

(i) For a period of no less than eight years following the most recent discharge of the resident; except

(ii) That the records of minors must be retained for no less than three years following the attainment of age eighteen years, or ten years following their most recent discharge, whichever is longer.

(b) In the event of a change of ownership, provide for the orderly transfer of ~~((health))~~ clinical records to the new licensee; and

(c) In the event a nursing home ceases operation, make arrangements prior to cessation, as approved by the department, for preservation of the ~~((health))~~ clinical records.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-185 Disaster and emergency preparedness.** (1) ~~((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(m)) will be deemed to meet subsection (2) of this section.~~

~~(2) The nursing home shall train all employees in emergency procedures when they begin to work in the nursing home, periodically review emergency procedures with existing staff, and carry out unannounced staff drills using those procedures.~~

~~(3))~~ The nursing home ~~((shall have))~~ must develop and implement detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home ~~((shall))~~ must ensure these plans provide for:

(a) Fire or smoke;

(b) Severe weather;

(c) Loss of power;

(d) Earthquake;

(e) Explosion;

(f) Missing resident, elopement;

(g) Loss of normal water supply;

(h) Bomb threats; ~~((and))~~

(i) Armed ~~((persons))~~ individuals;

(j) Gas leak, or loss of service; and

(k) Loss of heat supply.

~~((4))~~ (2) The nursing home must train all employees in emergency procedures when they begin work in the nursing home, periodically review emergency procedures with existing staff, and carry out unannounced staff drills using those procedures.

(3) The nursing home ~~((shall))~~ must ensure emergency plans:

(a) Are developed and maintained with the assistance of qualified fire, safety, and other appropriate experts as necessary;

(b) Are reviewed annually; and

(c) Include evacuation routes prominently posted on each unit.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-190 Quality assessment and assurance.**

~~(1) ((Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(e)) will be deemed to meet subsection (2) of this section.~~

~~(2))~~ The nursing home ~~((shall))~~ must maintain a process for quality assessment and assurance. The department may not require disclosure of the records of the quality assessment and assurance committee except in so far as such disclosure is related to ensuring compliance with the requirements of this section.

~~((3))~~ (2) The nursing home ~~((shall))~~ must ensure the ~~((nursing home's))~~ quality assessment and assurance process:

(a) Seeks out and incorporates input from the resident and family councils, if any, or individual residents and support groups; and

(b) Reviews expressed concerns and grievances.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-195 Policies and procedures.** (1) The nursing home ~~((shall))~~ must develop and implement written policies and procedures ~~((in accordance with RCW 74.42.430, and other state and federal laws applicable to resident rights and nursing home operations)), including those specified in RCW 74.42.430, for all services provided in the facility.~~

(2) The nursing home ~~((shall))~~ must ensure the written policies and procedures ~~((referred to in subsection (1) of this section)):~~

(a) Promote and protect each resident's:

(i) Rights, including health care decision making;

(ii) Personal interests; and

(iii) Financial and property interests(-);

(b) Are ~~((made))~~ readily available to staff, residents, members of residents' families, the public, and representatives of the department;

(c) ~~((In the case of policies and procedures related to health care decision making and resident representation, are provided to the resident in accordance with federal requirements, where applicable; and~~

(d)) Are current, and continued without interruption in the event of staff changes; and

(d) Are consistent with other state and federal laws applicable to nursing home operations.

### NEW SECTION

**WAC 388-97-202 Criminal history disclosure and background inquiries.** (1) Except as provided in this section, a nursing home must not employ any individual, directly or by contract, or accept as a volunteer or student, any individual who may have regularly scheduled unsupervised access to residents if the individual:

(a) Has been convicted of a "crime against children and other persons" as defined in RCW 43.43.830, unless the individual has been convicted of one of the five crimes listed below and the required number of years has passed between the most recent conviction and the date of the application for employment:

(i) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed;

(ii) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed;

(iii) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed;

(iv) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed; or

(v) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed.

(b) Has been convicted of crimes relating to financial exploitation as defined under RCW 43.43.830;

(c) Has been found, by a court of law, to have abused, neglected, exploited, or abandoned a minor or vulnerable adult in criminal, dependency or domestic relations proceeding. A "vulnerable adult" is defined in chapter 74.34 RCW;

(d) Was subject to an order of protection under chapter 74.34 RCW for abandonment, abuse, neglect, or financial exploitation of a vulnerable adult, or misappropriation of resident property; or

(e) Has been found to have neglected, exploited, or abandoned a minor or vulnerable adult by a disciplining authority, including the state department of health, or by the department's resident protection program.

(2) A nursing home may conditionally employ an individual pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(3) A nursing home licensed under chapter 18.51 RCW must make a background inquiry request to one of the following:

(a) The Washington state patrol;

(b) The department;

(c) The most recent employer licensed under chapters 18.51, 18.20, and 70.128 RCW provided termination of that employment was within twelve months of the current employment application and provided the inquiry was com-

pleted by the department or the Washington state patrol within the two years of the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within two years before the current date of employment in the nursing home; and

(e) A nursing home may not rely on a criminal background inquiry from a former employer, including a nursing pool, if the nursing home knows or has reason to know that the applicant has, or may have, a disqualifying conviction or finding.

(4) Nursing homes must:

(a) Request a background inquiry of any individual employed, directly or by contract, or accepted as a volunteer or student; and

(b) Notify appropriate licensing or certification agency of any individual resigning or terminated as a result of having a conviction record.

(5) Before a nursing home employs any individual, directly or by contract, or accepts any individual as a volunteer or student, a nursing home must:

(a) Inform the individual that the facility must make a background inquiry and require the individual to sign a disclosure statement, authorizing the inquiry; or

(b) Inform the individual that he or she may make a request for a copy of a completed background inquiry of this section; and

(c) Require the individual to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry; and

(d) Verbally inform the individual of the background inquiry results within seventy-two hours of receipt.

(6) The nursing home must establish procedures ensuring that:

(a) The individual is verbally informed of the background inquiry results within seventy-two hours of receipt;

(b) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(c) Disclosure statements and background inquiry responses are used for employment purposes only;

(d) Disclosure statements and background inquiry responses are not disclosed to any individual except:

(i) The individual about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state employees including the department's licensure and certification staff, resident protection program staff and background inquiry unit staff;

(iii) Authorized federal employees including those from the Department of Health and Human Services, Health Care Financing Administration;

(iv) The Washington state patrol auditor; and

(v) Potential employers licensed under chapters 18.51, 18.20, and 70.128 RCW who are making a request as provided for under subsection (3) of this section; and

(e) A record of findings be retained by the facility for twelve months beyond the date of employment termination.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-205 Laundry services.** (1) The nursing home (~~(shall ensure sufficient washing and drying facilities to meet the residents' care and comfort needs without delay. To that end the nursing home shall))~~ must meet the requirements of WAC 388-97-347, and:

- (a) Launder facility linens on the premises; or
  - (b) Contract with a laundry capable of meeting quality standards, infection control, and turn-around time requirements; and
  - (c) Make provision for laundering of residents' personal clothing.
- (2) (~~The nursing home shall ensure the temperature and time of the hot water cycle to disinfect nursing home linen is:~~
- (a) ~~One hundred sixty degrees Fahrenheit during a five minute minimum wash cycle or one hundred forty degrees Fahrenheit during a fifteen minute minimum wash cycle; or~~
  - (b) ~~Equivalent disinfection method which conforms to generally accepted standards of infection control for health care facility linen.~~
- (3) ~~))~~ For residents' personal clothing, the nursing home (~~shall~~):
- (a) Must have a system in place to ensure that personal clothing is not damaged or lost during handling and laundering; and
  - (b) May use department approved chemical disinfection in lieu of the hot water disinfection.

#### NEW SECTION

**WAC 388-97-212 Short-term care, including respite services and adult day or night care.** (1) The nursing home may provide short-term care to individuals which include:

- (a) Respite services to provide relief care for families or other caregivers of individuals with disabilities which must:
    - (i) Provide short-term care and supervision in substitution for the caregiver;
    - (ii) Be for short-term stays up to a maximum of thirty-one days; and
    - (iii) Not be used as a short-term placement pending the individual's admission to the nursing home; and
  - (b) Adult day or night care to provide short-term nursing home care:
    - (i) Not to exceed sixteen hours each day; and
    - (ii) May be on a regular or intermittent basis.
- (2) The nursing home providing respite services, and adult day or night care must:
- (a) Develop and implement policies and procedures consistent with this section;
  - (b) Ensure that individuals receiving short-term services under respite or adult day or night care are treated and cared for in accordance with the rights and choices of long-term residents, except for transfer and discharge rights which are provided under the program for short-term services which covers the individual in the nursing home;
  - (c) Have appropriate and adequate staff, space, and equipment to meet the individual's needs without jeopardy to the care of regular residents;

(d) Before or at the time of admission, obtain sufficient information to meet the individual's anticipated needs. At a minimum, such information must include:

- (i) The name, address, and telephone number of the individual's attending physician, and alternate physician if any;
  - (ii) Medical and social history, which may be obtained from a respite care assessment and service plan performed by a case manager designated by an area agency on aging under contract with the department, and mental and physical assessment data; and
  - (iii) Physician's orders for diet, medication and routine care consistent with the individual's status on admission.
- (e) Ensure the individuals have assessments performed, where needed, and where the assessment of the individual reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-147;
- (f) With the participation of the individual and, where appropriate, their representative, develop a plan of care to maintain or improve their health and functional status during their stay or care in the nursing home;
- (g) Provide for the individual to:
- (i) Bring medications from home in accordance with nursing home policy; and
  - (ii) Self-medicate where determined safe.
- (h) Promptly report injury, illness, or other adverse change in health condition to the attending physician; and
- (i) Inquire as to the need for and comply with any request of the individual, or where appropriate, the individual's representative, to secure cash and other valuables brought to the nursing home during the stay/care.
- (3) The nursing home may, in lieu of opening a new record, reopen the individual's clinical record with each period of stay or care up to one year from the previous stay or care, provided the nursing home reviews and updates the recorded information.

(4) Medicaid certified nursing facilities must complete the state-approved resident assessment instrument, within fourteen days, for any individual whose respite stay exceeds fourteen days.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-220 Dialysis services.** (1) (~~"Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.~~

- (2) "Dialysis helper" means a person who has:
  - (a) Completed an inservice class approved by the kidney center; and
  - (b) Been hired by the resident to provide to the resident care related only to dialysis treatment.
- (3) "Kidney center" means those facilities as defined and certified by the federal government to provide end-stage renal disease (ESRD) services and which provide services specified in WAC 246-520-020)) The nursing home must ensure that appropriate care, treatment, and services are provided to each nursing home resident receiving dialysis. "Dialysis" means the process of separating crystalloids and colloids in

solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial semipermeable membrane.

~~((4))~~ (2) Dialysis for acute renal failure ~~((shall))~~ must not be administered in a nursing home.

~~((5))~~ (3) A nursing home may only administer maintenance dialysis in the nursing home after the:

(a) Analysis of other options and elimination of these options based on the resident's best interest; and

(b) Decision is made jointly by a team of ~~((persons))~~ individuals representing the kidney center, the resident, the resident's nephrologist, and the nursing home. A "kidney center" means those facilities as defined and certified by the federal government to provide end stage renal (ESRD) services.

~~((6))~~ (4) The nursing home ~~((shall))~~ must ensure that:

(a) A current written agreement is in effect with each kidney center responsible for the management and care of each ~~((patient))~~ nursing home resident undergoing dialysis ~~((in the nursing home))~~; and

(b) Such agreement delineates the functions, responsibilities, and services of both the kidney center and the nursing home.

~~((6) The nursing home shall ensure appropriate care, treatment, and services to each resident receiving dialysis in the nursing home.~~

~~(7))~~ (5) The kidney center ~~((shall))~~ must assist the nursing home in ensuring appropriate care, treatment, and services related to dialysis ~~((in the nursing home))~~. Responsibilities of the kidney center ~~((shall))~~ must include, but not be limited to:

(a) The provision of clinical and chemical laboratory services;

(b) The services of a qualified dietitian;

(c) Social services;

(d) Preventative maintenance and emergency servicing of dialysis and water purification equipment;

(e) The certification and continuing education of dialysis helpers and periodic review and updating of dialysis helpers' competencies. A "dialysis helper" means an individual who has completed an inservice class approved by the kidney center and has been hired by the resident to provide to the resident care related only to the dialysis treatment;

(f) An in-hospital dialysis program for the care and treatment of a dialysis resident with a complication or acute condition necessitating hospital care;

(g) A continuing in-service education program for nursing home staff working with a dialysis resident;

(h) A program for periodic, on-site review of the nursing home's dialysis rooms;

(i) Selection, procurement, and installation of dialysis equipment;

(j) Selection and procurement of dialysis supplies;

(k) Proper storage of dialysis supplies; and

(l) Specification, procurement, and installation of the purification process for treatment of water used as a diluent in the dialyzing fluid.

~~((8))~~ (6) Only a registered nurse from the kidney center or a dialysis helper may administer dialysis in the nursing home.

(a) A dialysis helper may be a registered nurse; and

(b) When a dialysis helper is not a registered nurse, the nursing home ~~((shall))~~ must have a registered nurse who has completed an in-service class approved by the kidney center, on the premises during dialysis.

~~((9))~~ (7) A physician, designated or approved by the kidney center, ~~((shall))~~ must be on call at all times dialysis is being administered in the nursing home.

~~((10))~~ (8) The resident's attending physician and the kidney center ~~((shall))~~ must provide, or direct and supervise, the continuing medical management and surveillance of the care of each nursing home resident receiving dialysis ~~((resident in a nursing home))~~.

~~((11))~~ (9) The nursing home ~~((shall))~~ must:

(a) Ensure the kidney center develops a dialysis treatment plan; and

(b) Incorporate this treatment plan into the resident's comprehensive plan of care and include specific medical orders for medications, treatment, and diet.

~~((12))~~ (10) The dialysis room in the nursing home ~~((shall))~~ must be in compliance with federal standards established ~~((under 42 C.F.R. §405.2140;))~~ for ESRD facilities. This includes:

(a) Storage space available for equipment and supplies;

(b) A telephone at the bedside of each dialysis resident; and

(c) A mechanical means of summoning additional staff to the dialysis area in the event of a dialysis emergency.

~~((MEDICAID-CERTIFIED NURSING FACILITIES))~~  
**PRE-ADMISSION SCREENING AND RESIDENT REVIEW (PASRR) IN MEDICAID CERTIFIED FACILITIES**

**NEW SECTION**

**WAC 388-97-247 Pre-admission screening—Level I.**

(1) Pre-admission screening (PAS) is a process by which individuals are evaluated:

(a) For the presence of a serious mental illness or a developmental disability, before admission to the nursing facility;

(b) For nursing facility level of care; and

(c) If the individual does have either a serious mental illness or a developmental disability, to determine whether there is a need for specialized services, or services of a lesser intensity.

(2) The referring hospital, physician, or other referral source must:

(a) Perform the identification screen using a standardized department-specified Level I screening form for all individuals seeking admission to a nursing facility unless they:

(i) Are being readmitted to the nursing facility from the hospital; or

(ii) Are being transferred from one nursing facility to another, with or without an intervening hospital stay.

(b) Identify whether the individual may have a serious mental illness or a developmental disability as defined under 42 C.F.R. §483.102, or successor laws; and

(c) Refer all individuals identified as likely to have a serious mental illness or a developmental disability to the department for a nursing facility level of care assessment and a Level II screening.

#### NEW SECTION

**WAC 388-97-249 Advanced categorical determinations, not subject to pre-admission screening—Level II.** Individuals identified as having symptoms of mental illness or a developmental disability and meeting any of the advanced categorical determinations do not need to be referred for a Level II screening. The determinations include that the individual:

(1) Is admitted to the nursing facility for respite care as defined under WAC 388-97-212, or convalescent care, following treatment in an acute care hospital, not to exceed thirty days;

(2) Cannot accurately be diagnosed because of delirium. NOTE: The individual would be subject to a Level II screening when the delirium cleared;

(3) Has been certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(4) Has been diagnosed with a severe physical illness such as coma, ventilator dependence, and is functioning at a brain stem level;

(5) Has a severe level of impairment from diagnoses such as: (a) Chronic obstructive pulmonary disease;

(b) Parkinson's disease;

(c) Huntington's chorea;

(d) Amyotrophic lateral sclerosis;

(e) Congestive heart failure; or

(6) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder. NOTE: There must be evidence to support this determination.

#### NEW SECTION

**WAC 388-97-251 Pre-admission screening—Level II.** (1) For individuals likely to have a serious mental illness or developmental disability, the department must determine their need for nursing facility level of care. If they meet the nursing facility level of care, the department refers them to the department's designee, either the mental health PASRR contractor or the division of developmental disabilities, for a Level II screening.

(2) In the Level II screening, the department's designee will verify the diagnosis and determine whether the referred individuals need specialized services, or services of a lesser intensity:

(a) "**Specialized services**" for an individual with mental retardation or related conditions is defined under 42 C.F.R. §483.120 (a)(2), and §483.440 (a)(1), or successor laws. These specialized services do not include services to maintain a generally independent individual able to function with

little supervision or in the absence of a treatment program; and

(b) "**Specialized services**" for an individual with a serious mental illness is defined under 42 C.F.R. §483.120 (a)(1), or successor laws. These services are generally considered acute psychiatric inpatient care, emergency respite care, or stabilization and crisis services.

(3) The need for specialized services, for a nursing facility applicant, will be determined as follows:

(a) If the individual is identified as likely to have a serious mental illness, a qualified mental health professional will verify whether the individual has a serious mental illness and, if so, will recommend whether the individual needs specialized services; and

(b) If the individual is identified as likely to have a developmental disability, a licensed psychologist will verify whether the individual has a developmental disability and, if so, staff of the division of developmental disabilities will assess and determine whether the individual requires specialized services.

#### NEW SECTION

**WAC 388-97-253 Resident review.** After a resident's admission the nursing facility must:

(1) Review the Level I screening form for accuracy and make changes as needed if the resident develops a qualifying diagnosis or if the resident's symptoms were undetected or misdiagnosed; and

(2) Refer residents who have qualifying diagnoses and who require further PASRR assessment to the mental health PASRR contractor or division of developmental disabilities;

(3) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 C.F.R. §483.20;

(4) Maintain the identification screen form and PASRR assessment information, including recommendations, in the resident's active clinical record; and

(5) Promptly notify the mental health PASRR contractor or division of developmental disabilities after a significant change in the physical or mental condition of any resident that is mentally ill or mentally retarded.

**AMENDATORY SECTION** (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-260 ((PASARR)) Pre-admission screening and resident review (PASRR) determination and appeal rights.** (1) ((A nursing facility)) The resident has the right to choose to remain in the nursing facility and receive specialized services if:

(a) He or she has continuously resided in a nursing facility since October 1, 1987; and

(b) The department determined, in 1990, that the resident required specialized services for a serious mental illness or developmental disability but did not require nursing facility services.

(2) In the event that residents chose to remain in the nursing facility as outlined in subsection (1) above, the depart-

ment, or designee, will clarify the effect on eligibility for Medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

~~(3)~~ A nursing facility applicant or resident who has been adversely impacted by a ((PASARR)) PASRR determination may appeal the department's determination of:

(a) Not in need of nursing facility care as defined under WAC ~~((388-97-235, Preadmission screening and annual resident review (PASARR), and 42 C.F.R. §483.130 (m)(2), (5), or (6)))~~ 388-97-022;

(b) Not in need of specialized services as defined under WAC ~~((388-97-255, Preadmission screening and annual resident review (PASARR), and 42 C.F.R. §483.130 (m)(1), (2), (3), or (6)))~~ 388-97-251; or

(c) Need for specialized services as defined under WAC ~~((388-97-255, Preadmission screening and annual resident review (PASARR), 42 C.F.R. §483.130 (4) and (5), and 42 C.F.R. §483.132 (a)(4)))~~ 388-97-251.

~~((2))~~ (4) The nursing facility ((shall)) must assist the ((nursing facility)) applicant or resident, as needed, in requesting a hearing to appeal the department's ((PASARR)) PASRR determination.

~~((3))~~ (5) If the department's ((PASARR)) PASRR determination requires that a resident be transferred or discharged, the department ((shall)) will:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of ~~((appeals))~~ administrative hearings on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident ~~((shall))~~ will be ineligible for Medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

~~((4) Aging and adult))~~ (6) The department's home and community services may ((grant extension of a)) pay for the resident's ((Medicaid)) nursing facility ((payment)) services after the time specified in subsection (3)(c)(iii) of this section, ((when)) if the department determines that a location appropriate to the resident's medical and other needs is not available.

~~((5))~~ (7) The department ((shall)) will:

(a) Send a copy of the transfer/discharge notice to the resident's attending physician, the nursing facility and, where appropriate, a family member or the resident's representative;

(b) Suspend transfer or discharge ~~((pending the outcome of the appeal when the resident's appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice;));~~

(i) If the office of administrative hearings receives an appeal on or before the date set for transfer or discharge or before the resident is actually transferred or discharged; and

(ii) Until the office of appeals makes a determination; and

(c) Provide assistance to the resident for relocation necessitated by the department's ~~((PASARR))~~ PASRR determination.

~~((6))~~ (8) Resident appeals of ((PASARR)) PASRR determinations ((shall)) will be in accordance with 42 C.F.R. §431 Subpart E, chapter 388-08 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter ((shall)) will prevail.

## INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

### NEW SECTION

**WAC 388-97-285 Intermediate care facilities for the mentally retarded.** (1) An ICF/MR nursing facilities must meet the requirements of 42 C.F.R. §483. Subpart I and the requirements of this subchapter except that in an ICF/MR nursing facility:

(a) There must be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shift if indicated. WAC 388-97-115 (2)(a) and (3)(a) and (b) do not apply to ICF/MR nursing facilities; and

(b) A medical director is not required.

(2) Staff from the division of developmental disabilities will approve of social/therapeutic leave for individuals who reside in ICF/MR nursing facilities.

## **SUBCHAPTER II PHYSICAL ENVIRONMENT ((ALL FACILITIES))**

### **GENERAL**

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-295 ((General)) Design.** The design of a nursing home ((shall be designed, equipped, and maintained to:

(1) Protect the health and safety of residents, personnel, and the public; and

(2) Provide)) must facilitate resident-centered care and services in a safe, clean, comfortable and homelike environment ((allowing)) that allows the resident to use his or her personal belongings to the greatest extent possible.

NEW SECTION

**WAC 388-97-29510 New construction compliance.** The nursing home must ensure that: (1) New construction complies with all the requirements of subchapter II;

(2) New construction approved by the department of health, certificate of need and construction review, before the effective date of this chapter complies with the rules in effect at the time of the plan approval;

(3) The department of health, certificate of need and construction review, is contacted for review and issues an applicable determination and approval for all new construction; and

(4) The department has done a pre-occupancy survey and has determined that the new construction is in compliance with these regulations before the area is placed in use.

NEW SECTION

**WAC 388-97-29520 Fire standards and approval, and other standards.** The nursing home must: (1) Conform to at least the minimum standards for the prevention of fire, and for the protection of life and property against fire, according to the Uniform Fire Code, RCW 19.27.031, the federal Life Safety Code, and additional state guidelines in chapter 212-12 WAC; and

(2) Comply with all other applicable requirements of state and federal law.

NEW SECTION

**WAC 388-97-29530 Maintenance and repair.** All nursing homes must: (1) Maintain electrical, mechanical, and patient care equipment in safe and operating condition; and

(2) Ensure floors, walls, ceilings, and equipment surfaces are maintained in clean condition and in good repair.

NEW SECTION

**WAC 388-97-29540 Noise.** (1) All nursing homes must maintain comfortable sound levels, to include minimizing the use of the public address system and taking reasonable precautions with noisy services so residents are not disturbed, particularly during their sleeping time; and

(2) **In new construction**, the nursing home must:

(a) Have walls, floor/ceiling and roof/ceiling assemblies constructed with materials that provide comfortable sound levels in all resident areas, rated at an STC 50 or greater; and

(b) Utilize an alternative to the public address system for nonemergency communication that best serves the residents' needs.

NEW SECTION

**WAC 388-97-29550 Accessibility in new construction.** The nursing home must be readily accessible to a person with disability and comply with WAC 388-97-410.

NEW SECTION

**WAC 388-97-29560 Types of new construction.** New construction includes, but is not limited to: (1) New structures.

(a) A new building to be licensed as a nursing home; or

(b) An addition to a building currently licensed as a nursing home.

(2) Existing buildings.

(a) Conversion of another building to a nursing home;

(b) Change in the use of space for access by residents within an existing nursing home; and

(c) Alterations including physical, mechanical, or electrical changes made to an existing nursing home, except for normal routine maintenance and repair.

(3) See WAC 388-97-400(3) for less extensive alterations.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-310 ICF/MR exceptions to physical plant requirements.** The following regulations do not apply to nursing homes certified exclusively under 42 C.F.R. §483, Subpart I, (~~Conditions of participation for intermediate care facilities for the mentally retarded as now or hereafter amended~~) or successor laws.

(1) WAC (~~388-97-330(1)(d), Resident rooms~~); 388-97-33020, regarding the required number of square feet per bed(-); and

(2) WAC (~~388-97-335(9), Resident room equipment~~); 388-97-33570, regarding cubicle curtains.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-315 Emergency power.** (1) The nursing home (~~shall~~) must have an alternate source of power and automatic transfer equipment to connect the alternate source within ten seconds of the failure of the normal source.

~~((a))~~ (2) The nursing home (~~shall~~) must ensure the alternate source is a generator (~~(driven by a prime mover)~~);

(a) With on-site fuel supply((-unit equipment));

(b) Permanently fixed in place((-and));

(c) Approved for emergency service((-

~~(b) When life support systems are used, the nursing home shall provide emergency electrical power with an)); and~~

(d) An on premises emergency generator, as defined in NFPA 99, Health care facilities, ((that is located on the premises)) when life support systems are used.

~~((2))~~ (3) The nursing home (~~shall~~) must ensure the emergency power supply provides a minimum of four hours of effective power for lighting for night lights, exit signs, exit corridors, stairways, dining and recreation areas, work stations, medication preparation areas, boiler rooms, electrical service room and emergency generator locations.

~~((3))~~ (4) A nursing home first licensed on or after October 1, 1981, (~~shall~~) must have emergency power supplied to:

(a) ~~((Uninterrupted function of))~~ Communication systems, all alarm systems, an elevator that reaches every resident floor including the ground floor, equipment to provide heating for resident rooms or a room to which all residents can be moved ((when the outside design temperature is plus twenty degrees Fahrenheit or lower based on the median extremes as shown in the ASHRAE HANDBOOK OF FUNDAMENTALS)); and

(b) ~~((Uninterrupted function of selected specially marked receptacles))~~ Electrical outlets located in medication preparation areas, pharmacy dispensing areas, staff work stations, ((and) dining areas, resident corridors, and resident bed locations designated for use with life support systems.

(5) In new construction the emergency power equipment must meet the:

(a) Earthquake standards for the facility's geographic locale; and

(b) Requirements in NFPA 110, Generators.

### RESIDENT CARE UNIT

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

WAC 388-97-325 Location of the resident care unit.

~~((1) LOCATION:))~~ The nursing home ((shall locate)) must ensure that:

~~((a))~~ (1) Each resident care unit is located to minimize through traffic to any general service, diagnostic, treatment, or administrative area; and

~~((b))~~ All rooms or areas within the unit on the same floor level:))

~~((2) REQUIRED SERVICES:~~

~~(a) The nursing home shall ensure each resident care unit has at least the following basic services:~~

~~(i) A staff work station;~~

~~(ii) A medicine storage and preparation area;~~

~~(iii) Utility rooms which maintain separated clean and soiled functions;~~

~~(iv) Storage space for linen, other supplies, and equipment;~~

~~(v) Housekeeping services; and~~

~~(vi) Janitor's closet.~~

~~(b) Resident care units may share basic services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home shall have a separate staff work station on a secured dementia care unit.~~

~~(3) STAFF WORK STATION. On each unit, the nursing home shall have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home shall equip the area with:~~

~~(a) A charting surface;~~

~~(b) A rack or other storage for current health records;~~

~~(c) Storage for record and clerical supplies;~~

~~(d) A telephone;~~

~~(e) A resident call system; and~~

~~(f) A clock.~~

~~(4) CALL SYSTEMS. The nursing home shall provide the following or an equivalent system which meets these standards:~~

~~(a) An electrical communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system shall be equipped to receive resident calls from:~~

~~(i) The bedside of each resident;~~

~~(ii) Each day room or other area used by residents;~~

~~(iii) Resident toilet, bath and shower rooms.~~

~~(b) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home shall locate the signal device for easy reach by the resident.~~

~~(5) TELEPHONES. A nursing home resident shall have twenty-four hour access to a telephone which:~~

~~(a) Provides auditory privacy; and~~

~~(b) Is accessible to a person with a disability and accommodates a person with sensory impairment.~~

~~(6) UTILITY SERVICE ROOMS. The nursing home shall provide a utility room designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those which are contaminated. The nursing home shall ensure:~~

~~(a) Each clean utility area has a work counter, a sink, and closed storage units for supplies and small equipment.~~

~~(b) Each soiled utility area has:~~

~~(i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;~~

~~(ii) Storage for cleaning supplies and other items;~~

~~(iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;~~

~~(iv) Adequate space for waste containers, linen hampers, and other large equipment; and~~

~~(v) Adequate ventilation to remove odors and moisture.~~

~~(7) DRUG FACILITIES. The nursing home shall ensure an area is designed and equipped for drug preparation and locked storage near each work station. The nursing home shall ensure:~~

~~(a) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units.~~

~~(b) The drug storage units provide:~~

~~(i) Locked storage for all drugs;~~

~~(ii) Separately keyed storage for Schedule II and III controlled substances; and~~

~~(iii) Segregated storage of different resident's drugs.~~

~~(c) There is a refrigerator for storage of thermolabile drugs in the drug facility; and~~

~~(d) Locks and keys for drug facilities are different from other locks and keys within the nursing home.~~

~~(8) LINEN STORAGE. The nursing home shall provide:~~

~~(a) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room.~~

~~(b) A soiled linen space for collection and temporary storage of soiled linen. This may be in an area of the soiled utility room.~~

~~(9) **EQUIPMENT STORAGE.** The nursing home shall provide adequate storage space for wheelchairs and other ambulation equipment. The nursing home shall ensure equipment does not impinge upon the required corridor space.~~

~~(10) **JANITORS' CLOSET.** The nursing home shall have a janitors' closet with a service sink and adequate storage space for housekeeping equipment and supplies near each resident care unit.) In new construction, the resident care unit, and the services to support resident care and nursing needs, are designed to serve a maximum of sixty beds on the same floor.~~

#### NEW SECTION

**WAC 388-97-32510 Required service areas on resident care units.** (1) The nursing home must ensure each resident care unit has at least the following required service areas:

- (a) A staff work station;
- (b) A medicine storage and preparation area;
- (c) A utility room that maintains separated clean and soiled functions;
- (d) Storage space for linen, other supplies, and equipment; and
- (e) Housekeeping services and janitor's closet.

(2) **In new construction** resident care units may share required services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home must have a separate staff work station on a secured dementia care unit.

#### NEW SECTION

**WAC 388-97-32520 Staff work stations on resident care units.** (1) On each unit, the nursing home must have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home must equip the area with:

- (a) A charting surface;
- (b) A rack or other storage for current health records;
- (c) Storage for record and clerical supplies;
- (d) A telephone;
- (e) A resident call system; and
- (f) A clock.

(2) **In new construction** the work station space must be open to the corridor.

#### NEW SECTION

**WAC 388-97-32530 Call systems on resident care units.** The nursing home must provide the following, or an equivalent system that meets these standards:

(1) A wired or wireless communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system must be equipped to receive resident calls from:

- (a) The bedside of each resident;
- (b) Every common area, dining and activity areas, common use toilet rooms, and other areas used by residents; and

(c) Resident toilet, bath and shower rooms.

(2) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home must locate the signal device for easy reach by the resident. A signal device must be adapted to meet resident needs and, in the dementia unit, may be adapted for staff and family use, see WAC 388-97-35050.

#### NEW SECTION

**WAC 388-97-32540 Telephones on resident care units.** The nursing home must provide twenty-four hour access to a telephone for resident use which:

- (1) Provides auditory privacy;
- (2) Is accessible to a person with a disability and accommodates a person with sensory impairment;
- (3) Is not located in a staff office or at a nurse's station; and
- (4) Does not require payment for local calls.

#### NEW SECTION

**WAC 388-97-32550 Utility service rooms on resident care units.** (1) All nursing homes must:

- (a) Provide utility rooms designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those that are contaminated;
- (b) Ensure that each clean utility room has:
  - (i) A work counter;
  - (ii) A sink equipped with single use hand drying towels and soap for handwashing; and
  - (iii) Closed storage units for supplies and small equipment; and

- (c) Ensure that each soiled utility room has:
  - (i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;
  - (ii) Storage for cleaning supplies and other items, including equipment, to meet nursing home needs;
  - (iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;
  - (iv) Adequate space for waste containers, linen hampers, and other large equipment; and
  - (v) Adequate ventilation to remove odors and moisture.

(2) **In new construction:**

- (a) A resident room must not be more than ninety feet from a clean utility room and a soiled utility room;
- (b) The clean utility room and the soiled utility room must be separate rooms;

- (c) Each soiled utility room must contain:
  - (i) A double-compartment sink with inside dimensions of each compartment deep enough to totally submerge items being cleaned and disinfected;
  - (ii) Sufficient, available work surface on each side of the sink to adequately process and dry equipment with a minimum of three feet of work surface on the clean side;
  - (iii) Drying/draining racks for wet equipment;
  - (iv) Work counters, sinks, and other fixed equipment arranged to prevent intermingling of clean and contaminated items during the cleaning process; and

(v) A siphon jet type clinic service sink or equivalent installed on the soiled side of the utility room away from the door.

(d) The nursing home's space for waste containers, linen hampers, and other large equipment, must not block work areas; and

(e) The utility rooms must meet the ventilation requirements of Table 5, WAC 388-97-47020.

#### NEW SECTION

**WAC 388-97-32560 Drug facilities on resident care units.** The nursing home must provide an area designed and equipped for drug preparation and locked storage convenient to each work station. The nursing home must ensure:

(1) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units;

(2) The drug storage units are one or more of the following:

(a) Locked cabinetry constructed in accordance with board of pharmacy regulations for drug storage which has:

(i) Separately keyed storage for Schedule II and III controlled substances; and

(ii) Segregated storage of different residents' drugs, or  
(b) An automated medication distribution device or storage.

(3) There is a refrigerator for storage of thermolabile drugs in the drug facility;

(4) Locks and keys for drug facilities are different from other locks and keys within the nursing home; and

(5) **In new construction**, the drug facility must be a separate room.

#### NEW SECTION

**WAC 388-97-32570 Linen storage on resident care units.** The nursing home must provide:

(1) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room;

(2) A soiled linen area for the collection and temporary storage of soiled linen. This may be within the soiled utility room; and

(3) **In new construction**, storage for linen barrels and clean linen carts.

#### NEW SECTION

**WAC 388-97-32580 Janitors closets on resident care units.** (1) The nursing home must have a janitors closet with a service sink and adequate storage space for housekeeping equipment and supplies convenient to each resident unit.

(2) **In new construction** a janitor's closet must meet the ventilation requirements of Table 5, WAC 388-97-47020.

### RESIDENT ROOMS

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-330 Resident rooms.** (1) ~~(Medicaid-certified nursing facilities in compliance with federal requirements of C.F.R. §483.70(d) will be deemed to meet subsections (2)(a), (b), (d), (e), and (4), except (2)(c) and (3).~~

~~(2) EACH RESIDENT ROOM SHALL MEET THE FOLLOWING REQUIREMENTS:~~

~~(a) EACH RESIDENT ROOM SHALL HAVE DIRECT ACCESS TO AN EXIT CORRIDOR AND SHALL BE LOCATED TO PREVENT THROUGH TRAFFIC;~~

~~(b) THE MAXIMUM CAPACITY OF ANY RESIDENT BEDROOM SHALL BE FOUR BEDS;~~

~~(c) There shall be no more than two beds between any resident bed and exterior window wall;~~

~~(d) MINIMUM ROOM AREAS FOR EXISTING FACILITIES EXCLUSIVE OF TOILET ROOMS, CLOSETS, LOCKERS OR WARDROBES SHALL BE AT LEAST EIGHTY SQUARE FEET PER BED IN EACH MULTI-BED ROOM AND AT LEAST ONE HUNDRED SQUARE FEET FOR EACH SINGLE BED ROOM;~~

~~(e) EACH RESIDENT ROOM SHALL BE DESIGNED OR EQUIPPED TO ENSURE FULL VISUAL PRIVACY FOR EACH RESIDENT.~~

~~(3) If a nursing home provides an isolation room, the nursing home shall ensure the room is uncarpeted and contains:~~

~~(a) A lavatory with water supplied through a mixing valve; and~~

~~(b) It's own adjoining toilet room containing a bathing facility.~~

~~(4) EXCEPTIONS. THE DIRECTOR OF NURSING HOME SERVICES, AGING AND ADULT SERVICES ADMINISTRATION, MAY PERMIT EXCEPTIONS TO (2)(c) AND (d) FOR NURSING HOMES WHEN THE NURSING HOME DEMONSTRATES IN WRITING THAT THE EXCEPTION:~~

~~(a) IS IN ACCORDANCE WITH THE SPECIAL NEEDS OF THE RESIDENT; AND~~

~~(b) WILL NOT ADVERSELY AFFECT ANY RESIDENTS' HEALTH OR SAFETY.)~~ The nursing home must ensure that each resident bedroom:

(a) Has direct access to a hall or corridor;

(b) Is located on an exterior wall with a transparent glass window; and

(c) Is located to prevent through traffic.

(2) In a new building or addition, each resident bedroom must:

(a) Have an exterior transparent glass window;

(i) With an area equal to at least one-tenth of the bedroom usable floor area;

(ii) Located twenty-four feet or more from another building or the opposite wall of a court, or ten feet or more away from a property line, except on street sides;

(iii) Located eight feet or more from any exterior walkway, paved surface, or driveway; and

(iv) With a sill three feet or less above the floor.

(b) Be located on a floor level at or above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at the required exterior window. The ground must be level or slope downward for a distance of at least ten feet from the wall of the

building. From there the ground may slope upward to the maximum sill height of the required window at a rate of one foot vertical for two feet horizontal.

#### NEW SECTION

**WAC 388-97-33010 Capacity of resident rooms.** (1) The nursing home must ensure that any resident bedroom has:

- (a) No more than two beds between any resident bed and exterior window wall; and
  - (b) A maximum capacity of four beds.
- (2) **In a new building, addition, or change of use to a resident bedroom** the maximum capacity is two beds per room, for plans submitted after September 1, 1995.

#### NEW SECTION

**WAC 388-97-33020 Size of resident rooms.** The nursing home must ensure that minimum usable room space exclusive of toilet rooms, closets, lockers, wardrobes, must:

- (1) In existing facilities, be at least eighty square feet per bed in each multi-bed room and at least one hundred square feet for each single bed room;
- (2) **In a new building or addition**, be one-hundred and ten square feet per bed in multi-bed rooms, and one-hundred square feet in single bed rooms;
- (3) **In new construction**, ensure that the minimum usable room space is also exclusive of vestibules; and
- (4) For exceptions to room size requirements refer to WAC 388-97-310.

#### NEW SECTION

**WAC 388-97-33030 Privacy in resident rooms.** The nursing home must ensure that each resident bedroom is designed or equipped to ensure full visual privacy for each resident.

#### NEW SECTION

**WAC 388-97-33040 Resident isolation rooms.** If a nursing home provides an isolation room, the nursing home must ensure the room is uncarpeted and contains:

- (1) A handwashing sink with water supplied through a mixing valve;
- (2) Its own adjoining toilet room containing a bathing facility; and
- (3) **In new construction**, the handwashing sink must be located between the entry door and the nearest bed.

#### NEW SECTION

**WAC 388-97-33050 Resident room size variance.** The director of residential care services, aging and adult services administration, or their designee, may permit exceptions to WAC 388-97-33010 (1)(a) and 388-97-33020(1) when the nursing home demonstrates in writing that the exception:

- (1) Is in accordance with the special needs of the resident; and

- (2) Will not adversely affect any resident's health or safety.

### RESIDENT ROOM EQUIPMENT

**AMENDATORY SECTION** (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-335 Resident room equipment.** The nursing home ~~((shall))~~ **must** determine a resident's furniture and equipment needs at the time of admission and routinely thereafter to ensure resident comfort. Except as specified in WAC 388-97-07060, the nursing home ((shall)) must provide each resident with the following~~((, except as specified in WAC 388-97-070(15), Personal property:~~

- ~~(1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;~~
- ~~(2) Appropriate bedding;~~
- ~~(3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment;~~
- ~~(4) A lockable storage space accessible to each resident for storage of small personal items, upon request;~~
- ~~(5) A separated, enclosed wardrobe or closet for resident's clothing and belongings accessible to the resident;~~
- ~~(6) Comfortable seating to provide for proper body alignment and support;~~
- ~~(7) A wall-mounted or equivalent reading light, to accommodate the needs of the resident;~~
- ~~(8) A resident call signal device for each bed adapted to accommodate the needs of the resident, except as required in the dementia care unit; and~~
- ~~(9) Flame-retardant cubicle curtains in multi-bed rooms which provide full visual privacy for each resident)) items required in WAC 388-97-33510 through 388-97-33580.~~

#### NEW SECTION

**WAC 388-97-33510 Resident bed and bedside equipment.** The nursing home must provide:

- (1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;
- (2) Appropriate bedding; and
- (3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment.

#### NEW SECTION

**WAC 388-97-33520 Lockable storage space in a resident room.** The nursing home must provide:

- (1) A lockable storage space accessible to each resident for storage of small personal items, upon request; and

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(2) **In a new building or addition**, a lockable cabinet space or drawer for storage of personal belongings for each resident bed, in addition to the bedside cabinet.

#### NEW SECTION

**WAC 388-97-33530 Wardrobes in a resident room.** The nursing home must provide:

(1) A separated, enclosed wardrobe or closet for each resident's clothing and belongings accessible to the resident; and

(2) **In a new building or addition**, each bed in each room must have a separate, enclosed wardrobe or closet accessible to the resident with:

(a) Minimum inside dimensions of twenty-two inches deep by a minimum of twenty-six inches wide by sixty inches high; and

(b) Inside space including a rod, at least fifteen inches long, and allowing for fifty-four inches of clear hanging length adjustable to meet the needs of the resident.

#### NEW SECTION

**WAC 388-97-33540 Seating in a resident room.** The nursing home must provide comfortable seating for residents and visitors, not including resident care equipment, that provides proper body alignment and support.

#### NEW SECTION

**WAC 388-97-33550 Lighting in resident rooms.** The nursing home must provide a permanently mounted or equivalent light suitable for any task the resident chooses to do or any task the staff must do.

#### NEW SECTION

**WAC 388-97-33560 Call signal device in resident rooms.** The nursing home must provide a resident call signal device that complies with WAC 388-97-32530.

#### NEW SECTION

**WAC 388-97-33570 Cubicle curtains in resident rooms.** The nursing home must provide:

(1) Flame-retardant cubicle curtains in multi-bed rooms that ensures full visual privacy for each resident;

(2) **In a new building or addition**, the cubicle curtain or enclosed space ensures full visual privacy for each bed in a multi-bed room with enclosed space containing at least sixty-four square feet of floor area with a minimum dimension of seven feet. "Full visual privacy" in a multi-bed room prevents staff, visitors and other residents from seeing a resident in bed, while allowing staff, visitors, and other residents access to the toilet room, handwashing sink, exterior window, and the entrance door;

(3) For exceptions to cubicle curtain requirements refer to WAC 388-97-310.

#### NEW SECTION

**WAC 388-97-33580 Miscellaneous equipment in resident rooms in a new building or addition.** The nursing home must provide:

(1) A phone jack for each bed in each room;

(2) A handwashing sink in each multi-bed room and a handwashing sink in each single room that does not have an adjoining toilet room containing a handwashing sink. A handwashing sink located in a resident bedroom must be located between the corridor entry door and the nearest resident bed; and

(3) Storage that meets the requirements of WAC 388-97-357, 388-97-35710, and 388-97-35720.

#### RESIDENT TOILET AND BATHING FACILITIES

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-340 Resident toilet ~~((and bathing))~~ facilities ~~or rooms.~~ ~~((1))~~ Each resident room shall be equipped with or located near toilet and bathing facilities: ~~((2))~~ The nursing home ~~((shall))~~ must ensure that: ~~((#))~~ (1) Each resident room is equipped with or located convenient to toilet facilities.**

(2) For new construction, a toilet room ~~((is))~~ must:

(a) Be directly accessible from each resident room and from each bathing facility without going through or entering a general corridor while maintaining resident dignity;

(b) ~~((One toilet room))~~ Serve ~~((s))~~ two bedrooms or less ~~((:~~

(3) The nursing home shall ensure:

(a) All lockable toilets and bathrooms have readily available a means of unlocking from the outside; and

(b) Locks are operable from the inside with a single effort:

(4) The nursing home shall ensure there is at least one bathing unit for every twenty residents or fraction thereof which is not in a room served by an adjoining bathroom:

(5) The nursing home shall ensure for each resident care unit there is at least one bathing device designed for bathing by immersion:

(6) The nursing home shall ensure there is at least one roll-in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device:

(7) The nursing home shall ensure resident bathing equipment is smooth, cleanable, and able to be disinfected after each use);

(c) Be designed to accommodate a person in a wheelchair;

(d) Contain at least one handwashing sink; and

(e) Provide a properly located and securely mounted grab bar at each side and the back of each toilet fixture in each toilet room and stall. Grab bars on the open side must be located twelve to eighteen inches from the center line of the toilet. Grab bars on the open side must be able to swing up.

NEW SECTION

**WAC 388-97-34010 Resident bathing facilities or rooms.** The nursing home must ensure:

- (1) Each resident room is equipped with or located near bathing facilities;
- (2) At least one bathing unit for no more than thirty residents that is not located in a room served by an adjoining bathroom;
- (3) At least one bathing device for immersion per floor;
- (4) At least one roll in shower or equivalent on each resident care unit:
  - (a) Designed and equipped for unobstructed ease of shower chair entry and use; and
  - (b) With a spray attachment equipped with a backflow prevention device.
- (5) Resident bathing equipment is smooth, cleanable, and able to be disinfected after each use.
- (6) **For new construction**, in each bathing unit containing more than one bathing facility:
  - (a) Each bathtub, shower, or equivalent, is located in a separate room or compartment with three solid walls;
  - (b) The entry wall may be a "shower" type curtain or equivalent;
  - (c) The area for each bathtub and shower is sufficient to accommodate a shower chair, an attendant, and provide visual privacy for bathing, drying, and dressing;
  - (d) Shower and tub surfaces are slip-resistant;
  - (e) Bathing areas are constructed of materials that are impervious to water and cleanable; and
  - (f) Grab bars are installed on all three sides of a shower with the shower head grab bar being "L" shaped.

(2) In a new building or addition, the nursing home must design space for dining rooms, dayrooms, and activity areas for resident convenience and comfort and to provide a homelike environment. These areas must be located on the same floor as the residents who will use the areas. The nursing home must:

- (a) Ensure these rooms or areas are exterior rooms with windows that have a maximum sill height of thirty-six inches;
- (b) Provide space for dining, day use, and activities with a minimum combined total of thirty square feet for each licensed bed;
- (c) Design any multi-purpose rooms to prevent program interference with each other;
- (d) Locate a day room on each resident care unit;
- (e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and
- (f) Locate a common use toilet facility, with handwashing sink and accessories, providing direct access from the hallway and within a maximum of forty feet from these spaces.

LAUNDRY SERVICES

NEW SECTION

**WAC 388-97-347 Laundry services and storage.** The nursing home must comply with WAC 388-97-205 and ensure:

- (1) Sufficient laundry washing and drying facilities to meet the residents' care and comfort needs without delay.
- (2) The temperature and time of the hot water cycle to disinfect nursing home linen is in accordance with the following table:

Water temperature	Cycle length
160 degrees F	At least 5 minutes
140 degrees F	At least 15 minutes

(3) **In new construction**, soiled linens and soiled clothing are stored and sorted in a room ventilated according to Table 5, WAC 388-97-47020. The room must:

- (a) Have self-closing doors;
- (b) Be separated from the washing and drying facilities;
- (c) Contain a handwashing sink;
- (d) Have a floor drain; and
- (e) Contain a clinic service sink.

(4) **In new construction**, clean linen is stored in a room ventilated according to Table 5, WAC 388-97-47020. The room must:

- (a) Be separated from the washing and drying facilities; and
- (b) Have self closing doors.

NEW SECTION

**WAC 388-97-34020 Locks in toilet and bathing facilities.** The nursing home must ensure:

- (1) All lockable toilet facilities and bathrooms have a readily available means of unlocking from the outside; and
- (2) Locks are operable from the inside with a single motion.

DINING, DAYROOMS, AND RESIDENT ACTIVITY AREAS

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-345 Dining, dayrooms, and resident ~~(activities)~~ activity areas.** (1) ~~(Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70(g) will be deemed to meet this section.~~

~~(2))~~ The nursing home ~~((shall))~~ must provide one or more rooms designated for resident dining and activities ~~((These rooms shall))~~ that are:

- (a) ~~((Be))~~ Well lighted;
- (b) ~~((Be))~~ Well ventilated;
- (c) ~~((Be))~~ Adequately furnished; and
- (d) ~~((Have sufficient space))~~ Large enough to accommodate all activities.

PERMANENT

**DEMENTIA CARE UNIT**

**AMENDATORY SECTION** (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-350** (~~(Optional rooms and areas)~~)  
**Dementia care unit.** (~~((1) DEMENTIA CARE UNIT.~~) A nursing home that began operating a dementia care unit at any time after November 13, 1989, must meet all requirements of this section (~~(A new building or addition to an existing nursing home shall also meet the requirements of WAC 388-97-460(1). Refer to WAC 388-97-095 for program requirements. The dementia care unit shall:~~

- (a) Provide dining areas which may also serve as day areas for the unit;
  - (b) Provide secured outdoor space and walkways including:
    - (i) Ambulation area. Walking surfaces shall be firm, stable, and free from abrupt changes. Walking surfaces subject to wet conditions shall have slip-resistant surfaces;
    - (ii) Outdoor furniture; and
    - (iii) Nontoxic plants.
  - (c) Staff toilet room with lavatory;
  - (d) Provide indoor ambulation areas meeting the needs of the residents, and maintained free of equipment;
  - (e) Ensure floors, walls, and ceiling surfaces display contrasting color for identification. Surfaces may have a disguise design to obscure or conceal areas that residents should not enter. Exterior exit doors shall be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct;
  - (f) Ensure door thresholds are one-half inch high or less;
  - (g) Provide an electrical signaling system at each bedside, designed primarily for staff and visitor use in emergent situations, which registers by a distinctive light at the resident room door and light and tone at the staff work station. The facility shall accommodate the needs of residents able to utilize a call system;
  - (h) Not use a public address system except for emergencies;
  - (i) Ensure required approvals are obtained from the state fire marshal, department of social and health services and the local official enforcing the uniform building code and uniform fire code when automatic door locks are used.
  - (j) Always have staff present in the unit to protect all residents in the event of fire and for residents' evacuation to areas of refuge and from the building when necessary.
- (2) ~~**SPECIALIZED REHABILITATION.** Nursing homes initially licensed after October 1, 1981, shall ensure inpatient services:~~
- (a) Are located for easy access in general service areas;
  - (b) Include exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;
  - (c) Have adequate space for exercise equipment and treatment tables with sufficient work space on each side;
  - (d) Provide privacy cubicle curtains on tracks or the equivalent around treatment areas;

- (e) Provide a lavatory in the treatment area and a toilet nearby;
- (f) Provide space and a desk or equivalent for administrative, clerical, interviewing, and consultive functions;
- (g) Provide adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;
- (h) Provide adequate storage space for large equipment;
- (i) Provide a janitor's closet close to the area;
- (j) Provide for soiled linen storage; and
- (k) Provide a separate room or area for hydrotherapy tanks, or the equivalent, if tanks are used.

(3) ~~**OUTPATIENT REHABILITATION.** The nursing home shall ensure facilities with outpatient programs provide:~~

- (a) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;
- (b) Adequate space for the program to minimize disruption to designated resident care units;
- (c) Accessible toilet and shower facilities nearby;
- (d) Lockers or a safe place to store outpatient personal belongings; and
- (e) A separate room or area for hydrotherapy tanks, or the equivalent), WAC 388-97-35010 through 388-97-35060, and the resident care unit requirements of WAC 388-97-325 through 388-97-32580. Refer to WAC 388-97-097, for program requirements.

**NEW SECTION**

**WAC 388-97-35010 Dining areas on a dementia care unit.** (1) The nursing home must provide dining areas in the dementia care unit which may also serve as day areas for the unit.

(2) **In a new building or addition**, the dining, dayroom, and activity area or areas on the unit must provide a minimum of thirty square feet per resident.

**NEW SECTION**

**WAC 388-97-35020 Outdoor areas on a dementia care unit.** The nursing home must provide the dementia care unit with:

- (1) Secured outdoor space and walkways;
- (2) An ambulation area with accessible walking surfaces that:
  - (a) Are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;
  - (b) Have slip-resistant surfaces if subject to wet conditions; and
  - (c) Sufficient space and outdoor furniture with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids; and
- (3) Nontoxic outdoor plants in areas accessible to residents.
- (4) **In new construction** the outdoor areas must also meet the requirements of WAC 388-97-45510.

NEW SECTION

**WAC 388-97-35030 Indoor areas on a dementia care unit.** The nursing home must provide the dementia care unit with:

- (1) Indoor ambulation areas that meet the needs of the residents and are maintained free of equipment; and
- (2) Nontoxic indoor plants in areas accessible to residents.

NEW SECTION

**WAC 388-97-35040 Ambulation route on a dementia care unit in a new building or addition.** The nursing home must ensure that the dementia care unit has a continuous ambulation route which may include outdoor ambulation areas and allows the resident to return to the resident's starting point without reversing direction.

NEW SECTION

**WAC 388-97-35050 Physical plant on a dementia care unit.** The nursing home must:

- (1) Provide a staff toilet room with a handwashing sink;
- (2) Ensure that floors, walls, and ceiling surfaces display contrasting color for identification:
  - (a) Surfaces may have a disguise design to obscure or conceal areas that residents should not enter, except for exit doors and doorways; and
  - (b) Exit doors must be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct;
- (3) Ensure that door thresholds are one-half inch high or less;
- (4) Provide a signal device adapted:
  - (a) To meet residents' needs; and
  - (b) For staff and family use, if necessary;
- (5) Ensure that the public address system is used only for emergency use; and
- (6) Refer to WAC 388-97-470(2) for dementia care unit exceptions to individual temperature controls.

NEW SECTION

**WAC 388-97-35060 Special egress control devices on a dementia care unit.** In dementia care units the nursing home must:

- (1) Have proof that required approvals for any special egress control devices were obtained from the state fire marshal, department of social and health services, and the local official who enforces the uniform building code and uniform fire code; and
- (2) **In a new building or addition, or when adding special egress control devices to be used on doors and gates which are a part of the exit system, the building must:**
  - (a) Have obtained approval from department of health construction review and the local official who enforces the Uniform Building Code and Uniform Fire Code;
  - (b) Have an approved automatic fire alarm system;

(c) Have an approved supervised automatic fire sprinkler system which is electrically interconnected with the fire alarm system; and

(d) Have a system which must:

- (i) Automatically release if power to the system is lost;
- (ii) Automatically release with activation of the building's fire alarm system;
- (iii) Release with an override switch installed at each staff work station or at a constantly staff attended location within the building; and
- (iv) Have directions for releasing the device at each egress controlled door and gate; and
- (e) Prohibit the use of keyed locks at all doors and gates in all egress pathways.

**SPECIALIZED AND  
OUTPATIENT REHABILITATION**

NEW SECTION

**WAC 388-97-352 Specialized rehabilitation.** (1) If nursing homes initially licensed after October 1, 1981 provide inpatient specialized rehabilitation, they must ensure that those services provide:

- (a) Easy access in general service areas;
  - (b) Exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;
  - (c) Adequate space for exercise equipment and treatment tables with sufficient work space on each side;
  - (d) Privacy cubicle curtains on tracks or the equivalent around treatment areas;
  - (e) A sink in the treatment area and a toilet and handwashing sink in a toilet room nearby;
  - (f) Space and a desk or equivalent for administrative, clerical, interviewing, and consultative functions;
  - (g) Adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;
  - (h) Adequate storage space for large equipment;
  - (i) A janitor's closet close to the area;
  - (j) Soiled linen storage; and
  - (k) A separate room or area for hydrotherapy tanks, or the equivalent, if provided.
- (2) **For any new construction** under WAC 388-97-29560, nursing homes licensed before October 1, 1981, must comply with the requirements in subsection (1) of this section.

NEW SECTION

**WAC 388-97-353 Outpatient rehabilitation.** The nursing home must ensure that facilities with outpatient programs provide:

- (1) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;
- (2) Adequate space for the program so that disruption to designated resident care units is minimized;

- (3) Accessible toilet and shower facilities nearby;
- (4) Lockers or a safe place to store outpatient personal belongings;
- (5) A separate room or area for hydrotherapy tanks, or the equivalent, if provided; and
- (6) **In new construction**, required access must come from the exterior without passing through the interior of the facility.

### FOOD SERVICE AREAS

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-355 Food service areas.** The nursing home (~~shall~~) must ensure food service areas are in compliance with chapter 246-215 WAC, state board of health rules governing food service sanitation. The nursing home (~~shall~~) must:

- (1) Ensure food service areas are provided for the purpose of preparing, serving, and storing food and drink unless food service is provided from another licensed food service facility;
- (2) Ensure food service areas are located to facilitate receiving of food (~~stores~~) supplies, disposal of kitchen waste, and transportation of food to dining and resident care areas;
- (3) Locate and arrange the kitchen to avoid contamination of food, to prevent heat and noise entering resident care areas, and to prevent through traffic;
- (4) Locate the receiving area for ready access to storage and refrigeration areas;
- (5) Conveniently locate a handwashing (~~facilities to~~) sink near the food preparation and dishwashing area, and include (~~a lavatory~~) a waste receptacle(;) and dispensers stocked with soap and paper towels;
- (6) Adequately ventilate, light, and equip the dishwashing room or area for sanitary processing of dishes;
- (7) Locate the garbage storage area in a well-ventilated room or an outside area;
- (8) (~~When a can wash area is provided, have~~) Provide hot and cold water and a floor drain connected to the sanitary sewage system in a can wash area, unless located in outside covered area;
- (9) Provide space for an office or a desk and files for food service management located central to deliveries and kitchen operations; and
- (10) Include housekeeping facilities or a janitor's closet for the exclusive use of food service with a service sink and storage of housekeeping equipment and supplies.

### STORAGE

#### NEW SECTION

**WAC 388-97-357 Storage of equipment.** The nursing home must:

- (1) Provide adequate storage space for wheelchairs and other ambulation equipment;

(2) Ensure stored equipment does not impinge upon the required corridor space; and

(3) **In new construction**, provide adequate storage of four square feet or more of storage space per bed which does not impinge upon required corridor space.

#### NEW SECTION

**WAC 388-97-35710 Storage of resident room equipment in a new building or addition.** The nursing home must provide separate storage for extra pillows and blankets for each bed. This may be in a location convenient to the resident room or combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

#### NEW SECTION

**WAC 388-97-35720 General storage in new construction.** A nursing home must have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-33520.

### LIGHTING AND ELECTRICAL

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-360 Lighting.** The nursing home (~~shall~~) must ensure that lighting and lighting levels:

- (1) (~~Lighting is~~) Are adequate and comfortable for the functions being conducted in each area of the nursing home;
- (2) (~~Lighting levels are appropriate to the task~~) Are suitable for any task the resident chooses or any task the staff must do;
- (3) Support the independent functioning of the resident(;);
- (4) Provide a homelike environment(;) ; and
- (5) Minimize glare(;
- (3) Adequate natural or artificial light for inside illumination is provided in every useable room area, including storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps;
- (4) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety;
- (5) All outside areas where nursing home equipment and machinery are stored have proper lighting; and
- (6) Light shields are provided in kitchens and related food serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, and resident rooms when ceiling-mounted florescent lights are used).

#### NEW SECTION

**WAC 388-97-36010 Natural or artificial light.** (1) The nursing home must ensure that adequate natural or artificial light for inside illumination is provided in every useable room area, including but not limited to storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps.

(2) In new buildings and additions, the nursing home must utilize:

(a) Windows and skylights to minimize the need for artificial light and to allow a resident to experience the natural daylight cycle; and

(b) Windows and skylights near entrances/exits in order to avoid difficulty in adjusting to light levels when entering or leaving the facility.

**NEW SECTION**

**WAC 388-97-36020 Outside lighting.** The nursing home must ensure:

(1) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety; and

(2) All outside areas where nursing home equipment and machinery are stored have proper lighting.

**NEW SECTION**

**WAC 388-97-36030 Light shields.** The nursing home must ensure that light shields are provided in food preparation and serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, laundry areas, and on ceiling mounted fluorescent lights in resident rooms.

**NEW SECTION**

**WAC 388-97-36040 Illumination levels in new buildings and additions.** The nursing home must ensure:

(1) Lighting fixtures and circuitry provide at least the illumination levels shown within Table B;

(2) Design takes into consideration that lighting systems normally decrease in output with age and dirt accumulation; and

(3) Light fixture locations and switching arrangements are appropriate for the needs of the occupants of the spaces and follow Illuminating Engineering Society (IES) recommendations for health care facilities.

**TABLE B  
Average Maintained  
Footcandles**

Area	Ambient Light <sup>1</sup>	Task Light <sub>2</sub>
Adm and lobby, day	30	NA
Adm and lobby, night	20	NA
Barber, beautician	50	NA
Chapel, quiet area	30	NA
Corridors, interior ramps	30	NA
Corridors, at night		20
Dining areas	50	NA
Doorways, exterior	20	NA
Exam, treatment table	NA	100
Exam, treatment room	30	50
Exit stairways and landings	30	NA
Food preparation areas	50	75

**TABLE B  
Average Maintained  
Footcandles**

Area	Ambient Light <sup>1</sup>	Task Light <sub>2</sub>
Janitor's closet	30	NA
Laundry	30	50
Medicine prep area	30	100
Nurses' desk	30	70
Nurses' station, day	30	50
Nurses' station, night	20	50
Physical therapy	30	50
Resident room	30	50
Resident reading light	NA	75
Recreation area	30	50
Toilet, hand washing sinks, and mirrors	30	50
Toilet and bathing facilities, general	30	NA
Utility room, general	30	
Utility room, work counter	NA	50
Worktable, course work	30	70
Worktable, fine work	50	100

<sup>1/</sup> Ambient light measurements are taken two and one-half feet from the floor (plus or minus six inches). Minimum footcandles are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each area, near the outer perimeter, and at a point equidistant from the center and the perimeter measurement.

<sup>2/</sup> Task light measurements are taken at the work surface. Minimum footcandles for task light are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each work surface, near the outer perimeter of the work surface, and at a point equidistant from the center and the perimeter measurement.

**NEW SECTION**

**WAC 388-97-36050 Night lights in new construction.** The nursing home must install in each resident room a night light that is:

- (1) Flush mounted on the wall;
- (2) Designed to prevent viewing the light source from thirty inches or more above the floor;
- (3) Designed to provide a maximum illumination level of 10 footcandles;
- (4) Located to provide safe pathway lighting for the staff and residents; and
- (5) Controlled by a switch at each resident room entrance door or by a master switch.

**NEW SECTION**

**WAC 388-97-36060 Switches in new construction.** The nursing home must install quiet operating switches for general illumination adjacent to doors in all areas and accessible to residents in resident rooms.

PERMANENT

NEW SECTION

**WAC 388-97-36070 Electrical outlets.** (1) The nursing home must provide enough electrical outlets to meet the care and personal appliance needs of each resident. An approved power tap may be used only for portable appliances with specific overcurrent protection needs, such as a computer. A "power tap" is a device for indoor use consisting of an attachment plug on the end of a flexible cord and two or more receptacles on the opposite end, with overcurrent protection. A power tap must be:

- (a) Polarized or grounded;
  - (b) UL listed; and
  - (c) Directly connected to a permanently installed electrical outlet.
- (2) **In new construction**, the nursing home must ensure:
- (a) There are a minimum of seven outlets:
    - (i) Four hospital grade electrical outlets located convenient to each residents' bed and centered at forty to forty-four inches above the floor, with a minimum of:
    - (ii) Two additional electrical outlets at separate, convenient locations in each resident room; and
    - (iii) One duplex electrical outlet located adjacent to each handwashing sink intended for resident use.
  - (b) All electrical outlets located within five feet of any sink, toilet, bath, or shower must be protected by a ground fault circuit interrupter.

SAFETY

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-365 Safety.** The nursing home ~~((shall))~~ must provide ((the following)):

- (1) A safe, functional, sanitary, and comfortable environment for the residents, staff, and the public; and
- (2) Signs to designate areas of hazard~~((;~~
- (3) ~~Reference material regarding medication administration, adverse reactions, toxicology, and poison control center information readily available to nursing home staff at all times;~~
- (4) ~~Poisons and other nonmedicinal chemical agents in containers identified with a warning label stored:~~
  - (a) ~~In a separate locked storage when not in use by staff; and~~
  - (b) ~~Separate from drugs used for medicinal purposes.~~
- (5) ~~Equipment and supplies stored in a manner to not jeopardize the safety of residents, staff, or the public;~~
- (6) ~~Handrails on each side of all corridors and stairwells accessible to residents;~~
- (7) ~~Electrical outlets available for the number of electrical appliances in use)).~~

NEW SECTION

**WAC 388-97-36510 Safety—Poisons and nonmedical chemicals.** The nursing home must ensure that poisons and nonmedicinal chemicals are stored in containers identified with warning labels. The containers must be stored:

- (1) In a separate locked storage when not in use by staff; and
- (2) Separate from drugs used for medicinal purposes.

NEW SECTION

**WAC 388-97-36520 Safety—Storage of equipment and supplies.** The nursing home must ensure that the manner in which equipment and supplies are stored does not jeopardize the safety of residents, staff, or the public.

NEW SECTION

**WAC 388-97-36530 Safety—Handrails.** The nursing home must:

- (1) Provide handrails on each side of all corridors and stairwells accessible to residents; and
- (2) **In new construction** ensure that:
  - (a) Ends of handrails are returned to the walls;
  - (b) Handrails are mounted thirty to thirty-four inches above the floor and project not more than three and three-quarters inches from the wall; and
  - (c) Handrails terminate not more than six inches from a door.

WATER SUPPLY

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-370 Water supply.** ~~((+))~~ The nursing home ~~((shall))~~ must comply with the requirements of the group A, Public Water ((Supply)) Systems, chapter 246-290 WAC or group B, Public Water Systems, chapter 246-291 WAC.

~~((2) The nursing home shall establish procedures to ensure that water is available to essential areas when there is a loss in normal water supply.~~

~~((3) The nursing home shall ensure the hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.~~

~~((4) The nursing home shall prohibit all cross-connections between potable and nonpotable water.))~~

NEW SECTION

**WAC 388-97-37010 Hot water.** The nursing home must ensure:

- (1) The hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.
- (2) For laundry temperatures, refer to WAC 388-97-347.
- (3) For dishwashing temperatures, refer to chapter 246-215 WAC.

NEW SECTION

**WAC 388-97-37020 Cross connections.** The nursing home must:

(1) Prohibit all cross connections between potable and nonpotable water;

(2) Use backflow prevention devices on plumbing fixtures, equipment, facilities, buildings, premises or areas which are actual or potential cross-connections to prevent the backflow of water or other liquids, gases, mixtures or substances into a water distribution system or other fixtures, equipment, facilities, buildings or areas; and

(3) Follow guidelines, practices, procedures, interpretations and enforcement as outlined in the manual titled "Accepted Procedure and Practice in Cross-Connection Control; Pacific NW Edition; American Waterworks Association," or any successor manual, referenced in chapter 246-290 WAC for public water supply.

### PEST CONTROL AND SEWAGE AND WASTE DISPOSAL

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-375 Pest control.** ~~((1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70 (h)(4) will be deemed to meet this section.~~

~~((2))~~ The nursing home ~~((shall))~~ must:

~~(1)~~ Maintain an effective pest control program so that the facility is free of pests such as rodents and insects;

~~(2)~~ Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and

~~(3)~~ Provide mesh screens or equivalent with a minimum mesh of one-sixteenth inch on all windows and other openings that can be left open.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-385 Sewage and liquid waste disposal.** The nursing home ~~((shall))~~ must ensure:

(1) All sewage and liquid wastes are discharged into an approved public sewage system where such system is available; or

(2) Sewage and liquid wastes are collected, treated, and disposed of in an on-site sewage system in accordance with chapter 246-272 WAC and meets with the approval of the local health department and/or the state department of health.

### NEW CONSTRUCTION DOCUMENTS

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-400 ~~((Approval of plans))~~ General new construction documents.** (1) ~~((PRELIMINARY PLANS.~~

~~(a) Narrative program. The sponsor for each construction project shall provide a narrative as part of the preliminary plans to the department of health with a copy to aging and adult services administration which identifies:~~

~~(i) How the design promotes a homelike environment and facilitates resident-centered care and services;~~

~~(ii) Functional space requirements;~~

~~(iii) Staffing patterns;~~

~~(iv) Traffic patterns;~~

~~(v) Each function to be performed;~~

~~(vi) Types of equipment required; and~~

~~(vii) Services which will not be provided directly, but will instead be provided through contract.~~

~~(b) The plans and specifications for new construction shall be prepared by or under the direction of a Washington licensed architect or engineer, and be submitted in duplicate to the department of health. The plans shall be reviewed and approved as preliminaries by the department of health in coordination with aging and adult services administration prior to preparation of final plans. Refer to WAC 388-97-390(4), General, if the proposed project is not extensive enough to require professional architectural or engineering services.~~

~~(c) Preliminary plans shall be drawn to scale and shall include:~~

~~(i) Plot plan showing streets, entrance ways, driveways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;~~

~~(ii) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and~~

~~(iii) Each room, space, and corridor identified by function and number.~~

~~(d) Preliminary specifications shall include a general description of construction and materials, including interior finishes.~~

#### ~~(2) FINAL CONSTRUCTION DOCUMENTS.~~

~~(a) Construction shall not commence until three sets of final plans drawn to scale with complete specifications have been submitted to and approved by the department of health in coordination with aging and adult services administration.~~

~~(b) Final construction documents shall be prepared, stamped, signed and dated by a licensed architect or engineer.~~

~~(c) These plans and specifications shall show complete details to be furnished to contractors for construction of the buildings, including:~~

~~(i) Plot plan;~~

~~(ii) Plans of each floor of the building, including fixed equipment;~~

~~(iii) Elevations, sections, and construction details;~~

~~(iv) Schedule of floor, wall, and ceiling finishes, door and window sizes and types;~~

~~(v) Mechanical and electrical systems; and~~

~~(vi) Provision for noise, dust and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas.~~

~~(d) For buildings over four thousand square feet, a copy of the lead agency declaration of nonsignificance of environmental impact shall be submitted to the department of health as specified in chapter 248-06 WAC.~~

~~(3) PREINSTALLATION SUBMISSIONS shall be submitted to the department of health and approved prior to installation. Submissions shall include:~~

- ~~(a) Stamped shop drawings for fire sprinkler system;  
(b) Shop drawings for fire detection and alarm systems;~~

and

- ~~(c) If carpets are to be installed:  
(i) A floor plan or finish schedule denoting areas to be carpeted;~~

~~(ii) Function of areas to be carpeted;  
(iii) Coding with a key for carpet types;  
(iv) A copy of a testing laboratory report of the floor radiant panel and smoke density tests; and~~

- ~~(v) A copy of the manufacturer's carpet specifications~~

~~(4) CONSTRUCTION TIMELINES. All construction shall take place in accordance with the approved final plans and specifications. Changes to plans must be reviewed and approved by the department of health in coordination with aging and adult services administration prior to incorporation into the construction project.~~

~~(a) If construction has not begun within one year from the date of approval, the plans must be resubmitted for review in accordance with current requirements.~~

~~(b) If construction is not completed within two years from the date of approval, the plans shall be resubmitted for approval of the remaining construction consistent with current requirements.~~

~~(c) To obtain an extension beyond two years, a written request shall be submitted and approved thirty days prior to the end of the two-year period)) The project sponsor must submit plans for all new construction to the department of health, construction review, for review and approval. Documents must be approved before the work begins. The project sponsor must also submit documents to department of health, certificate of need for review and applicable determination.~~

~~(2) The nursing home may request exemptions to new construction requirements as described in WAC 388-97-405.~~

~~(3) If the proposed project is not extensive enough to require professional architectural or engineering services, the project sponsor must submit a written description to the department of health, construction review, to determine if WAC 388-97-401 applies.~~

## NEW SECTION

**WAC 388-97-40010 Preliminary new construction documents.** If preliminary documents and specifications are submitted, they must:

(1) Include a narrative program with drawings. Copies of these documents must be sent to the department of health, certificate of need and construction review, and to aging and adult services administration. The narrative program must identify:

- (a) How the design promotes a homelike environment and facilitates resident-centered care and services;  
(b) Functional space requirements;  
(c) Staffing patterns;  
(d) Each function to be performed;  
(e) Types of equipment required; and

(f) Services that will not be provided directly, but will instead be provided through contract.

(2) Refer to WAC 388-97-400(3), if the proposed project is not extensive enough to require professional architectural or engineering services.

(3) Be drawn to scale and include:

(a) A site plan showing streets, entrance ways, drive-ways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(b) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(c) Each room, space, and corridor identified by function and number.

(4) Include a general description of construction and materials, including interior finishes.

## NEW SECTION

### WAC 388-97-401 Final new construction documents.

(1) Construction must not start until at least two sets of final construction documents drawn to scale with complete specifications have been submitted to and approved by the department of health, construction review, in coordination with aging and adult services administration and the department of health, certificate of need.

(2) An architect or engineer licensed by the state of Washington must prepare, stamp, sign, and date the final construction documents.

(3) Construction documents that are changed after approval by the department of health, construction review, require resubmission before any construction on the proposed change is started.

(4) The construction of the facility must follow the final approved construction documents.

(5) These drawings and specifications must show complete details to be furnished to contractors for construction of the buildings, including:

- (a) Site plan;  
(b) Drawings of each floor of the building, including fixed equipment;  
(c) Elevations, sections, and construction details;  
(d) Schedule of floor, wall, and ceiling finishes, door and window sizes and types, and door finish hardware;  
(e) Mechanical and electrical systems;  
(f) Provision for noise, dust, smoke, and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas; and  
(g) Landscape plans and vegetation planting schedules for dementia care units.

(6) A reduced set of the final construction floor plans on eight and one half by eleven inch or eleven by seventeen inch sheets showing each room function and number must be submitted.

NEW SECTION

**WAC 388-97-402 Pre-installation submissions for new construction.** The department of health, construction review, must receive and approve pre-installation submissions prior to installation. Pre-installation submissions may include any or all of the following:

- (1) Stamped shop drawings, hydraulic calculations, and equipment information sheets for fire sprinkler system(s);
- (2) Shop drawings, battery calculations, and equipment information sheets for fire detection and alarm systems;
- (3) Shop drawings and equipment information sheets for a kitchen hood and duct automatic fire extinguishing system;
- (4) Drawings and equipment information sheets for special egress control devices; and
- (5) Drawings and/or a finish schedule denoting areas to be carpeted with:
  - (a) A coding system identifying type of carpet in each area;
  - (b) A copy the manufacturer's specifications for each type of carpet; and
  - (c) A copy of a testing laboratory report of the radiant panel and smoke density tests for each type of carpet.

NEW SECTION

**WAC 388-97-403 New construction timelines.** (1) Construction documents must be resubmitted for review as a new project according to current requirements if construction:

- (a) Has not started within one year from the date of approval; or
  - (b) Is not completed within two years from the date of approval.
- (2) To obtain an extension beyond two years, a written request must be submitted and approved thirty days prior to the end of the two-year period.

AMENDATORY SECTION (Amending Order 3782, filed 9/15/94, effective 10/16/94)

**WAC 388-97-405 Exemptions to new construction requirements.** (1) The director of (~~((nursing home))~~) residential care services, aging and adult services administration, may grant exemptions to new construction requirements for:

- (a) (~~((For))~~) Alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and
- (b) (~~((For))~~) Substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

(2) The nursing home (~~((shall))~~) must ensure requests for exemptions are in writing and include any necessary approvals from the local code enforcement authority and the state fire marshal.

(3) The nursing home (~~((shall))~~) must ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.

CODES AND STANDARDS  
IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-410 State building code in new construction.** The nursing home (~~((shall))~~) must through its design, construction and necessary permits demonstrate compliance with the following codes and local jurisdiction standards:

(1) The Uniform Building Code, and Uniform Building Code Standards, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as (~~((chapters 51-20 and 51-21 WAC, or as hereafter amended))~~) chapter 51-40 WAC, or successor laws;

(2) The Uniform Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as amended and adopted by the Washington state building code council and published as chapter (~~((51-22 WAC, or as hereafter amended))~~) 51-42 WAC, or successor laws;

(3) The Uniform Fire Code, and Uniform Fire Code Standards, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapters (~~((51-24 and 51-25 WAC, or as hereafter amended))~~) 51-44 and 51-45 WAC, or successor laws;

(4) The Uniform Plumbing Code, and Uniform Plumbing Code Standards, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters (~~((51-26 and 51-27 WAC, or as hereafter amended))~~) 51-46 and 51-47 WAC, or successor laws;

(5) The Washington state ventilation and indoor air quality code, as adopted by the Washington state building code council and filed as chapter 51-13 WAC, or (~~((as hereafter amended))~~) successor laws; and

(6) The Washington state energy code, as amended and adopted by the Washington state building code council and filed as chapter 51-11 WAC, or (~~((as hereafter amended))~~) successor laws.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-415 Electrical codes and standards in new construction.** The nursing home (~~((shall))~~) must ensure(~~((s))~~) that all electrical wiring complies with state and local electrical codes including chapter 296-46 WAC, (~~((Rules and regulations for installing electrical wires and equipment and administrative rules,))~~) and the National Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industry.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-420 Elevator codes in new construction.** The nursing home ((~~shall~~)) must ensure that elevators are installed in accordance with chapter 296-81 WAC.

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-425 Local codes and ordinances in new construction.** The nursing home ((~~shall~~)) must:

- (1) Follow all local ordinances relating to zoning, building, and environmental standards; and
- (2) Obtain all local permits before construction and keep permits on file at the nursing home.

### ADMINISTRATION AND PUBLIC AREAS IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-430** (~~((Administration and public areas))~~) Entrances and exits in new construction. (~~((+ ENTRANCES AND EXITS-))~~) The nursing home ((~~shall~~)) must have the main entrances and exits sheltered from the weather and barrier free accessible in accordance with chapter ((~~51-20~~)) 51-40 WAC.

~~((2))~~ **LOBBY.** The nursing home shall have a lobby or area in close proximity to the main entrance which is accessible and which includes:

- (a) ~~Waiting space with seating accommodations;~~
- (b) ~~Reception and information area;~~
- (c) ~~Space to accommodate persons in wheelchairs;~~
- (d) ~~Public restroom;~~
- (e) ~~Drinking fountain; and~~
- (f) ~~Public telephone.~~

(3) ~~INTERVIEW SPACE.~~ The nursing home shall have interview spaces for private interviews relating to social service and admission.

(4) ~~OFFICES.~~ The nursing home shall provide:

(a) ~~Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;~~

(b) ~~Work space for physicians and outside consultants;~~

(c) ~~Space for locked storage of health records which provides for fire and water protection; and~~

(d) ~~Space for the safe storage and handling of financial and business records.~~

(5) ~~INSERVICE EDUCATION.~~ The nursing home shall provide space for employee inservice education that will not infringe upon resident space.

(6) ~~STAFF.~~ The nursing home shall ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers:))

### NEW SECTION

**WAC 388-97-43010 Lobbies in new construction.** The nursing home must have a lobby or area in close proximity to the main entrance that is barrier free accessible and includes:

- (1) Waiting space with seating accommodations;
- (2) A reception and information area;
- (3) Space to accommodate persons in wheelchairs;
- (4) A public restroom;
- (5) A drinking fountain; and
- (6) A public telephone.

### NEW SECTION

**WAC 388-97-43020 Interview space in new construction.** The nursing home must have interview spaces for private interviews relating to social service and admission.

### NEW SECTION

**WAC 388-97-43030 Offices in new construction.** The nursing home must provide:

(1) Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;

(2) Work space for physicians and outside consultants;

(3) Space for locked storage of health records which provides for fire and water protection; and

(4) Space for the safe storage and handling of financial and business records.

### NEW SECTION

**WAC 388-97-43040 Inservice education space in new construction.** The nursing home must provide space for employee inservice education that will not infringe upon resident space.

### NEW SECTION

**WAC 388-97-43050 Staff areas in new construction.** The nursing home must ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers.

### VISITING, PRIVATE, AND OUTDOOR RECREATION SPACE AND WALKWAYS IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-455** (~~((Required miscellaneous rooms and areas))~~) Visiting and private space in new construction. (~~((+ DINING ROOMS, DAYROOMS, ACTIVITY AREAS.~~ In a new building or addition, the nursing home shall design dining rooms, dayrooms, and activity areas for

resident convenience and comfort and provide a homelike environment. The nursing home shall:

(a) Ensure these rooms or areas are exterior rooms with windows;

(b) Provide space for dining, day, and activity areas at a minimum of thirty square feet per bed for the first one hundred beds and twenty-seven square feet per bed in excess of one hundred;

(c) Locate a day room adjacent to each resident care unit;

(d) Provide designated dining and activity spaces separate from each other and designed to prevent program interference with each other;

(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and

(f) Conveniently locate a common use toilet facility with lavatory near each dining, day, and activity room.

~~(2) VISITING AND PRIVATE SPACE.~~ In a new building or addition,) The nursing home ((shall)) must design a separate room or areas for residents to have family and friends visit and for residents to spend time alone. The nursing home ((shall)) must ensure these areas provide:

((a)) (1) Space which facilitates conversation and privacy; and

((b)) (2) Access to a common-use toilet facility.

~~((3) OUTDOOR RECREATION SPACE AND WALKWAYS.~~ In a new building or addition, a nursing home shall provide a safe, protected outdoor area for resident use. The nursing home shall ensure the outdoor area has:

(a) Sufficient shaded and sheltered areas to meet the resident's needs;

(b) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes;

(c) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids; and

(d) Plants.

(4) ~~LAUNDRY STORAGE.~~ The nursing home shall ensure:

(a) Soiled linens and soiled clothing are stored and sorted in a separate well-ventilated, lighted enclosed room apart from washing and drying facilities that has self-closing doors. There shall be a handwashing facility and a floor drain in the room; and

(b) Clean linen is stored in a separate well-ventilated enclosed room apart from washing and drying facilities.

(5) ~~GENERAL STORAGE AREA.~~ A nursing home shall have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-445, Resident room.))

## NEW SECTION

**WAC 388-97-45510 Outdoor recreation space and walkways in new construction.** A nursing home must provide a safe, protected outdoor area for resident use. The nursing home must ensure the outdoor area has:

(1) Shaded and sheltered areas to meet residents needs;

(2) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes with a maximum of one inch between sidewalk and adjoining landscape areas;

(3) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids;

(4) Shrubs, natural foliage, and trees; and

(5) If used as a resident courtyard, the outdoor area must not be used for public or service deliveries.

## POOLS AND PHARMACIES IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-460 ((Optional rooms and areas)) Pools in new construction.** ((1) ~~DEMENTIA CARE UNIT.~~ See WAC 388-97-350(1) and 388-97-095. In a new building or addition, the nursing home shall ensure a dementia care unit has:

(a) Dining areas which provides a minimum of twenty square feet per resident;

(b) A continuous ambulation route allowing the resident to return to the resident's starting point without reversing direction;

(c) Egress door control devices only when the security locking is approved by the state fire marshal and conform to the following requirements:

(i) A security locking system which meets the fire and life safety requirements of the Uniform Building Code and the state building code such as, but not limited to, an approved automatic fire alarm system and an approved supervised automatic sprinkler system which is electrically interconnected with the fire alarm system;

(ii) Exits from the dementia care unit and building shall release automatically with activation of the building fire alarm system. Exits shall include secured outdoor space and walkways, walls, or fences and/or ambulation areas;

(iii) Keyed locks are prohibited in any egress path;

(iv) Releasing devices of security locking systems shall be labeled with directions at the egress path doors;

(v) An override switch shall be installed at each staff work station or at a constantly attended location within the building to override all other mechanisms and unlock exit doors in the event of an emergency;

(vi) If primary power to the building is lost, all security locking systems shall automatically release;

(vii) A copy of the written approval of the security locking system from the local officials enforcing the Uniform Building Code, Uniform Fire Code, and the state building code shall be on file at the nursing home.

(2) ~~POOLS.~~) The nursing home ((shall)) must ensure swimming pools, spas, and tubs which remain filled between uses meet the requirements in chapter 246-260 WAC((-

(3) ~~PHARMACY.~~ The nursing home shall ensure an on-site pharmacy meets the requirements of the Washington state board of pharmacy per chapter 246-857 WAC)).

NEW SECTION**WAC 388-97-46010 Pharmacies in new construction.**

The nursing home must ensure that an on-site pharmacy meets the requirements of the Washington State board of pharmacy per chapters 18.64 RCW and 246-865 WAC.

**GENERAL DESIGN REQUIREMENTS  
IN NEW CONSTRUCTION**

**AMENDATORY SECTION** (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-465 ((General design requirements))**

**Elevators in new construction.** ~~((1) ACCESSIBLE.~~ The nursing home shall be readily accessible to a person with disability:

~~(2) VECTOR CONTROL.~~ The nursing home shall:

~~(a) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and~~

~~(b) Provide mesh screens or equivalent with a minimum mesh of one sixteenth inch on all windows and other openings which can be left open.~~

~~(3) ELEVATORS.))~~ The nursing home ~~((shall))~~ **must:**

~~((a)) (1) Ensure that all buildings having residential use areas or service areas that are not located on ((other than)) the main entrance floor ((with)), have an elevator((:~~

~~(b) Locate)); and~~

~~(2) Have at least one elevator sized to accommodate a resident bed and attendant for each sixty beds on floors other than the main entrance floor.~~

~~((4) STAIRWAYS, RAMPS, AND CORRIDORS.~~

The nursing home shall ensure stairways, ramps and corridors conform with the Uniform Building Code.

~~(5) HANDRAILS.~~ The nursing home shall provide handrails along both sides of all resident use corridors. The nursing home shall ensure:

~~(a) Ends of handrails are returned to the walls;~~

~~(b) Handrails are mounted thirty four to thirty eight inches above the floor and project not more than three and one half inches from the wall; and~~

~~(c) Handrails terminate not more than six inches from a door.~~

~~(6) DOORS.~~ The nursing home shall ensure:

~~(a) Doors to resident rooms provide a minimum of forty-four inches clear width;~~

~~(b) Doors to resident bathrooms and toilet rooms are a minimum of thirty two inches clear width for wheelchair access;~~

~~(c) All doors to resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;~~

~~(d) Doors to toilet rooms and bathrooms have locks, and a means of unlocking doors from the outside;~~

~~(e) Doors to occupied areas not swing into corridors; and~~

~~(f) All passage doors are arranged so that doors do not open onto or obstruct other doors.~~

~~(7) FLOOR FINISHES.~~ The nursing home shall ensure:

~~(a) Floors at all entrances have slip resistant finishes even when wet;~~

~~(b) All uncarpeted floors are smooth, nonabsorbent and easily cleanable;~~

~~(c) Coving. The nursing home shall ensure:~~

~~(i) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial-grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least four inches in height; and~~

~~(ii) All other wall junctions have either integral coving or top set base with toe.~~

~~(d) Carpets may be used in all areas except: toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding;~~

~~(e) Specifications for acceptable carpeting are:~~

~~(i) Pile yarn fibers are easily cleanable and meet the standards of NFPA 101, Life Safety Code;~~

~~(ii) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;~~

~~(iii) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas;~~

~~(iv) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas;~~

~~(v) Cemented to the floor; and~~

~~(vi) Edges covered and top set base with toe at all wall junctures.~~

~~(f) When recarpeting, the safety of residents shall be assured during and after recarpeting installation within room or area. The nursing home shall ensure the room or area is:~~

~~(i) Well ventilated;~~

~~(ii) Unoccupied; and~~

~~(iii) Unavailable for use until room is free of volatile fumes and odors.~~

~~(8) WALLS.~~ The nursing home shall ensure:

~~(a) Wall finishes are easily cleanable; and~~

~~(b) A water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray, such as, bathing facilities, toilet rooms, janitors' closets, and can wash areas.~~

~~(9) ACCESSORIES.~~ The nursing home shall provide the following accessories with the necessary backing for mounting:

~~(a) Suitable shelf or equivalent and mirror at each lavatory in toilet rooms, resident rooms and locker rooms;~~

~~(b) Towel bars and/or hooks at each lavatory in resident rooms and at each bathing facility. Towel bars shall meet grab bar standards;~~

~~(c) A robe hook at each bathing facility, toilet room and in examination room or therapy area;~~

~~(d) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;~~

~~(e) Sanitary seat covers, except where toilet seats are open front type;~~

~~(f) Dispensers for single use towels mounted to avoid contamination from splash and spray and located within reach of a person in a wheelchair;~~

~~(g) Suitable provision for dispensed handwashing soap at each lavatory, sink, and bathing facility;~~

~~(h) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and~~

~~(i) Grab bars easily cleanable and resistant to corrosion.~~

~~(10) MISCELLANEOUS. The nursing home shall ensure:~~

~~(a) Rooms and service areas are identified by visible and tactile signs; and~~

~~(b) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.))~~

#### NEW SECTION

**WAC 388-97-46510 Stairways, ramps, and corridors in new construction.** The nursing home must ensure stairways, ramps and corridors conform with the Uniform Building Code.

#### NEW SECTION

**WAC 388-97-46520 Walking surfaces in a new building or addition.** The nursing must ensure that:

(1) An abrupt change in the walking surface level including at door thresholds which are greater than one quarter inch are beveled to a one vertical in two horizontal; and

(2) Changes in the walking surface level greater than one half inch are accomplished by means of a ramp with a maximum slope of one vertical in twelve horizontal.

#### NEW SECTION

**WAC 388-97-46530 Doors in new construction.** The nursing home must ensure doors to:

(1) Resident rooms provide a minimum of forty-four inches clear width;

(2) Resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;

(3) All resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;

(4) Toilet rooms and bathrooms have single action locks, and a means of unlocking doors from the outside;

(5) Occupied areas do not swing into corridors; and

(6) All passages are arranged so that doors do not open onto or obstruct other doors while maintaining resident dignity.

#### NEW SECTION

**WAC 388-97-46540 Floor finishes in new construction.** The nursing home must ensure:

(1) Floors at all outside entrances have slip resistant finishes both inside and outside the entrance even when wet; and

(2) All uncarpeted floors are smooth, nonabsorbent and easily cleanable.

#### NEW SECTION

**WAC 388-97-46550 Carpets in new construction.** The nursing home must ensure that department of health, construction review approves of all carpet installation.

(1) Carpets may be used in all areas except: toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding. Specifications for acceptable carpeting are:

(a) Pile yarn fibers are easily cleanable;

(b) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;

(c) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas. The formula for calculating the density of the carpet is: Yarn weight in ounces times 36, divided by pile height in inches equals ounces per cubic yard of density; and

(d) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas.

(2) Carpets must:

(a) Be cemented to the floor; and

(b) Have the edges covered and top set base with toe at all wall junctures.

(3) When recarpeting, the safety of residents must be assured during and after recarpeting installation within the room or area. The nursing home must ensure the room or area is:

(a) Well ventilated;

(b) Unoccupied; and

(c) Unavailable for use until room is free of volatile fumes and odors.

#### NEW SECTION

**WAC 388-97-46560 Coving in new construction.** The nursing home must ensure:

(1) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least six inches in height; and

(2) All other wall junctions have either integral coving or top set base with toe.

#### NEW SECTION

**WAC 388-97-46570 Walls in new construction.** The nursing home must ensure:

(1) Wall finishes are easily cleanable;

(2) A water-resistant finish extends above the splash line in all rooms or areas subject to splash or spray, such as bathing facilities with tubs only, toilet rooms, janitors' closets, and can-wash areas; and

(3) Bathing facilities with showers have a water-resistant finish extending to the ceiling.

**NEW SECTION**

**WAC 388-97-46580 Accessories in new construction.**

The nursing home must provide the following accessories with the necessary backing, if required, for mounting:

- (1) Usable countertop area and mirror at each handwashing sink in toilet rooms and resident rooms;
- (2) Towel or robe hooks at each handwashing sink in resident rooms and at each bathing facility;
- (3) A robe hook at each bathing facility, toilet room and in examination room or therapy area, including outpatient therapy rooms;
- (4) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;
- (5) Sanitary seat covers at each public and employee use toilet;
- (6) Open front toilet seats on all toilets;
- (7) Dispensers for paper towels and handwashing soap at each handwashing sink, and bathing facility;
- (8) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and
- (9) Grab bars that are easily cleanable and resistant to corrosion and securely mounted.

**NEW SECTION**

**WAC 388-97-46590 Miscellaneous in new construction.** The nursing home must ensure:

- (1) Rooms and service areas are identified by visible and tactile signs, refer to WAC 388-97-35050(2) for possible exceptions; and
- (2) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.

**HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS IN NEW CONSTRUCTION**

**AMENDATORY SECTION** (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-470 Heating(~~, ventilation, and air conditioning~~) systems in new construction.** ~~((1) HEATING SYSTEM.))~~ The nursing home ~~((shall))~~ must ensure:

- ~~((a))~~ (1) The heating system is capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents and seventy degrees Fahrenheit for nonresident areas;

~~((b))~~ (2) Resident rooms have individual temperature control, except in a dementia care unit controls may be covered, locked, or placed in an inconspicuous place;

~~((e))~~ (3) The following is insulated within the building:

- ~~((i))~~ (a) Pipes conducting hot water which are exposed to resident contact; and
- ~~((ii))~~ (b) Air ducts and casings with outside surface temperatures below ambient dew point.
- ~~((d))~~ (4) Insulation on cold surfaces includes an exterior vapor barrier; and
- ~~((e))~~ (5) Electric resistant wall heat units are prohibited in new construction.

~~((2) COOLING SYSTEM. The nursing home shall have:~~

~~(a) A mechanical cooling system capable of maintaining a temperature of seventy five degrees Fahrenheit for areas occupied by residents; and~~

~~(b) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.~~

~~(3) VENTILATION SYSTEM. The nursing home shall ensure:~~

~~(a) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents.~~

~~(b) All inside habitable space is mechanically ventilated including:~~

- ~~(i) All air supply and air exhaust systems;~~
- ~~(ii) Installation of air handling duct systems which meet the requirements of the Uniform Mechanical Code and chapter 51-22 WAC;~~

~~(iii) Corridors are not used to supply air to, or exhaust air from, any room except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors;~~

~~(iv) Room supply air inlets, recirculation, and exhaust air outlets are located not less than three inches above the floor. Exhaust outlets shall be near the ceiling; and~~

~~(v) Outdoor air intakes are located as far as practical, but a minimum of twenty five feet, from the exhausts from any ventilating system, combustion equipment, or plumbing vent, or areas which may collect vehicular exhaust and other noxious fumes. The nursing home shall locate the bottom of outdoor air intakes serving central systems as high as practical but a minimum of three feet above grade level or, if installed through the roof, three feet above the roof level.~~

**TABLE A  
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS**

AREA DESIGNATION	Pressure Relationship To Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recirculated Within Area
		2	4	Optional	Optional
Activities/Dining	E or P	2	4	Optional	Optional

PERMANENT

**TABLE A**  
**PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS**

AREA DESIGNATION	Pressure Relationship To Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recirculated Within Area
Bathroom	N	Optional	10	Yes	No
Clean linen storage	P	Optional	2	Optional	Optional
Clean workroom and clean holding	P	2	4	Optional	Optional
Dietary day storage	E or P	Optional	2		
Food prep center	E	2	8(10)	Yes	No
Isolation anteroom	NN	2	10	Yes	No
Isolation resident room	NN	2	2	Yes	No
Janitors' closet	N	Optional	10	Yes	No
Laundry, general	V	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Medicine prep room	P	2	4	Optional	Optional
Occupational therapy	N	2	6	Optional	Optional
Personal care room	N	2	8	Optional	Yes
Physical therapy and hydrotherapy	N	2	6	Optional	Optional
Resident area corridor	P	2	2	Optional	Optional
Resident room	E or N	2	2	Optional	Optional
Soiled linen sorting and storage	N	Optional	10	Yes	No
Soiled workroom and soiled holding	N	2	10	Yes	No
Speech and hearing unit	E or P	2	2	Optional	Optional
Sterilizer equipment room	N	Optional	10	Yes	No
TB isolation resident room	NN	2	12 <sup>3</sup>	Yes	No
TB isolation room anteroom	NN	2	12 <sup>3</sup>	Yes	No
Toilet room and locker rooms	N	Optional	10	Yes	No
Treatment room	E or N	2	6	Optional	Optional
Warewashing room	N	Optional	8(10)	Yes	No

**P=Positive N=Negative E=Equal V=May vary (-)=Recommended NN=Very negative**

<sup>1</sup> The outdoor air quantities for central systems employing recirculating and serving more than a single area designation may be determined by summing the individual area quantity requirements rather than by providing the maximum listed ratio of outdoor air to total air. Maximum noise level caused by toilet room exhaust fans shall be fifty decibels on the A sound level as per ASHRAE Table 7.

<sup>2</sup> Temporary imbalance at resident rooms as caused by intermittent toilet room or bathroom exhaust fans is permissible.

<sup>3</sup> TB isolation room: a minimum of six air changes may be permitted with a properly installed and maintained ultraviolet generator irradiation system. Fixture installation shall conform to the recommendation of the *Illuminating Engineering Society Handbook*, 5th edition, Section 25, "Ultraviolet Energy."

(e) Minimum ventilation requirements. Meet the pressure relationship and ventilation rates shown in Table A as minimum acceptable balanced rates when these areas/rooms

are a part of the nursing home. The nursing home shall ensure:

PERMANENT

~~(i) Exhaust hoods in food preparation centers and dish-washing areas have an exhaust rate not less than fifty cubic feet per minute per square feet of face area. "Face area" means the open area from the exposed perimeter of the hood to the average perimeter of the cooking surfaces;~~

~~(ii) All hoods over commercial type cooking ranges are equipped with fire extinguishing systems and heat actuated fan controls;~~

~~(iii) Cleanout openings are provided every twenty feet in horizontal exhaust duct systems serving hoods;~~

~~(iv) Installation of equipment for removal of smoke and grease laden vapors from cooking equipment comply with the Uniform Mechanical Code and chapter 51-22 WAC;~~

~~(v) Kitchen ventilation are adequate to provide comfortable working temperatures;~~

~~(vi) Boiler rooms, elevator equipment rooms, laundry rooms, and any other heat producing spaces are provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety seven degrees Fahrenheit; and~~

~~(vii) Individual toilet rooms and bathrooms are ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.~~

~~(d) Individual exhaust systems.~~

~~(i) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are intereconnected with room lighting to ensure a ventilation while room is occupied. The ventilation fan shall be provided with a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off;~~

~~(ii) Air discharge openings through roofs or exterior walls are protected against entry of weather elements and foreign objects. Automatic louvers or backdraft dampers are installed; and~~

~~(iii) The volume of air removed from the space by exhaust ventilation are replaced directly or indirectly by an equal amount of tempered/conditioned air.~~

~~(e) Central exhaust systems. The nursing home shall ensure:~~

~~(i) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area;~~

~~(ii) Fire and smoke dampers are located and installed in accordance with the Uniform Building Code chapter 51-20 WAC.~~

~~(f) Air filters. All central ventilation or air conditioning systems are equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation areas, or laundry areas. Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52-76. The filter bed is located upstream of the air conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream.~~

~~(i) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed.~~

~~(ii) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential.~~

~~(iii) Humidifiers, if provided, are a steam type.))~~

#### NEW SECTION

**WAC 388-97-47010 Cooling systems in new construction.** The nursing home must have:

(1) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and

(2) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.

#### NEW SECTION

**WAC 388-97-47020 Ventilation systems in new construction.** The nursing home must ensure:

(1) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents;

(2) All habitable space is mechanically ventilated including:

(a) Air supply and air-exhaust systems;

(b) Installation of air-handling duct systems according to the requirements of the Uniform Mechanical Code and chapter 51-42 WAC;

(c) Corridors not used to supply air to, or exhaust air from, any room except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors;

(d) Installation of supply registers and return air grilles at least three inches above the floor;

(e) Installation of exhaust grilles on or near the ceiling; and

(f) Outdoor air intakes located a minimum of twenty-five feet from the exhaust from any ventilating system, combustion equipment, or areas which may collect vehicular exhaust and other noxious fumes, and a minimum of ten feet from plumbing vents. The nursing home must locate the bottom of outdoor air intakes serving central systems a minimum of three feet above adjoining grade level or, if installed through the roof, three feet above the highest adjoining roof level.

**TABLE 5**  
**PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS OF NURSING HOMES**

FUNCTION AREA	Pressure Relationship To Adjacent Areas <sup>1,2</sup>	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units
<b>PATIENT CARE</b>					
Isolation Room	N	2	12	Yes	No
Patient area corridor	±	Optional	2	Optional	Optional
Patient room	±	2	2	Optional	Optional
Toilet room	N	Optional	10	Yes	No
<b>DIAGNOSTIC AND TREATMENT</b>					
Clean workroom or clean holding	P	2	4	Optional	Optional
Examination room	±	2	6	Optional	Optional
Occupational therapy <sup>3</sup>	N	2	3	Optional	Optional
Physical therapy <sup>3</sup>	N	2	3	Optional	Optional
Soiled workroom or soiled holding	N	2	10	Yes	No
<b>STERILIZING AND SUPPLY</b>					
Clean linen storage	P	Optional	2	Yes	No
Laundry, general <sup>3</sup>	±	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Soiled linen sorting and storage	N	Optional	10	Yes	No
Sterilizer equipment room	N	Optional	10	Yes	No
<b>SERVICE</b>					
Bathroom	N	Optional	10	Yes	No
Dietary day storage	±	Optional	2	Yes	No
Food preparation center <sup>3</sup>	±	2	10	Yes	No
Janitor's closet	N	Optional	10	Yes	No
Warewashing room <sup>3</sup>	N	Optional	10	Yes	No

<sup>1/</sup> P=Positive N=Negative ±=Continuous directional control not required.

<sup>2/</sup> Whether positive or negative, pressure must be a minimum of seventy cubic feet per minute (CFM).

<sup>3/</sup> The volume of air may be reduced up to fifty percent in these areas during periods of nonuse. The soiled holding area of the general laundry must maintain its full ventilation capacity at all time.

(3) Minimum ventilation requirements. Meet the pressure relationship and ventilation rates per ASHRAE 95 HVAC Applications Chapter 7.11 Table 5 Pressure Relationships and Ventilation of Certain Areas of Nursing Homes. The nursing home must ensure:

(a) Exhaust hoods in food preparation areas comply with the Uniform Mechanical Code;

(b) All hoods over commercial type cooking ranges are equipped with fire extinguishing systems and heat actuated fan controls;

(c) Kitchen ventilation is adequate to provide comfortable working temperatures;

(d) Boiler rooms, elevator equipment rooms, laundry rooms, and any other heat-producing spaces are provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety-seven degrees Fahrenheit; and

(e) Individual toilet rooms and bathrooms are ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.

(4) Individual exhaust systems.

PERMANENT

(a) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room lighting to ensure ventilation while room is occupied. The ventilation fan must have a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off; and

(b) The volume of air removed from the space by exhaust ventilation is replaced directly or indirectly by an equal amount of tempered/conditioned air.

(5) Central exhaust systems. The nursing home must ensure:

(a) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area; and

(b) Fire and smoke dampers are located and installed in accordance with the Uniform Building Code chapter 51-40 WAC.

(6) Air filters.

(a) All central ventilation or air-conditioning systems are equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation areas, or laundry areas;

(b) Central ventilation or air conditioning systems means any system serving more than a single room used by residents or by any group of rooms serving the same utility function (i.e., the laundry);

(c) Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52-76;

(d) The filter bed is located upstream of the air-conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream; and

(e) The nursing home must ensure:

(i) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed;

(ii) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential; and

(iii) Humidifiers, if provided, are a steam type.

### PLUMBING AND FIXTURES IN NEW CONSTRUCTION

AMENDATORY SECTION (Amending WSR 94-19-041 (Order 3782), filed 9/15/94, effective 10/16/94)

**WAC 388-97-480 ((Plumbing, fixtures)) Handwashing sinks in new construction.** ~~(((1) LAVATORIES.))~~ The nursing home ~~((shall))~~ must provide ~~((lavatories))~~ a handwashing sink in each toilet room ~~((except where provided in an adjoining single resident room, dressing room, or locker))~~ and exam room.

~~(((2) DRINKING FOUNTAINS. Where drinking fountains are installed, the nursing home shall ensure the fountains are of the inclined jet, sanitary type.~~

~~(3) MIXING VALVES. The nursing home shall provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve.~~

~~(4) SPOUTS. The nursing home shall ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts.~~

~~(5) WRIST BLADES. The nursing home shall provide four inch wrist blade controlled faucets or their equivalent at all sinks and lavatories. The nursing home shall:~~

~~(a) Install the wrist blades to provide four inches clear in full open and closed position; and~~

~~(b) Color code and label faucet handles to indicate "hot" and "cold."~~

~~(6) BACKFLOW PREVENTION DEVICES. The nursing home shall:~~

~~(a) Provide backflow prevention devices on the water supply to fixtures or group of fixtures where extension hoses are installed or are anticipated to be installed; and~~

~~(b) Prohibit all cross connections.))~~

### NEW SECTION

**WAC 388-97-48010 Drinking fountains in new construction.** Where drinking fountains are installed, the nursing home must ensure the fountains are of the inclined jet, sanitary type.

### NEW SECTION

**WAC 388-97-48020 Mixing valves or mixing faucets in new construction.** The nursing home must provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve or mixing faucet.

### NEW SECTION

**WAC 388-97-48030 Spouts in new construction.** The nursing home must ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts, without aerators in areas requiring infection control.

### NEW SECTION

**WAC 388-97-48040 Faucet controls in new construction.** The nursing home must provide wrist blade, single-lever controls or their equivalent at all sinks and lavatories. The nursing home must:

(1) Provide at least four inch wrist blades and/or single-levers;

(2) Provide sufficient space for full open and closed operation; and

(3) Color-code and label faucet controls to indicate "hot" and "cold."

**SUBCHAPTER III  
NURSING HOME LICENSE**

**INITIAL LICENSE APPLICATION**

**NEW SECTION**

**WAC 388-97-550 Initial nursing home license.** (1) A complete nursing home license application must be:

- (a) Submitted at least sixty days prior to the proposed effective date of the license on forms designated by the department;
- (b) Signed by the proposed licensee or the proposed licensee's authorized representative;
- (c) Notarized; and
- (d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

- (a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;
- (b) The names of the administrator, director of nursing services, and, if applicable, the management company;
- (c) The specific location and the mailing address of the facility for which a license is sought;
- (d) The number of beds to be licensed; and
- (e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

- (a) The individual or entity responsible for the daily operation of the nursing home;
- (b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.
- (4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. The nonrefundable nursing home license fee is one hundred twenty-seven dollars per bed per year.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

**LICENSE RENEWAL**

**NEW SECTION**

**WAC 388-97-555 Nursing home license renewal.** (1) All nursing home licenses must be renewed annually.

(2) License renewals must be:

- (a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;
- (b) Signed by the current licensee or the current licensee's authorized representative;
- (c) Notarized; and
- (d) Reviewed by the department in accordance with this chapter.

(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be:

- (a) Made by the individual or entity currently licensed and responsible for the daily operation of the nursing home;
- (b) Denied if any individual or entity named in the renewal application is found by the department to be unqualified.

(5) The nursing home license renewal fee must be submitted at the time of renewal. The nonrefundable fee is one hundred twenty-seven dollars per bed per year.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

**DEPARTMENT REVIEW OF  
LICENSE APPLICATIONS AND APPEALS**

**NEW SECTION**

**WAC 388-97-560 Department review of initial nursing home license applications.** (1) All initial nursing home license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license application.

(3) The proposed licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will consider the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee, separately and jointly, in its review. The department will review:

- (a) The information contained in the application;
- (b) Survey and complaint investigation findings in every facility each individual and entity named in the application has been affiliated with during the past ten years;
- (c) Compliance history;
- (d) Financial assessments;
- (e) Actions against the proposed licensee (i.e., revocation, suspension, refusal to renew, etc.);
- (f) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to,

PERMANENT

findings under 42 C.F.R. §488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(g) Other relevant information.

(5) The department will notify the proposed licensee of the results of the review.

#### NEW SECTION

**WAC 388-97-565 Department review of nursing home license renewals.** (1) All renewal license applications must be reviewed by the department under this chapter.

(2) The department will not begin review of an incomplete license renewal application.

(3) The proposed licensee must respond to any department request for additional information within five working days.

(4) When the application is determined to be complete, the department will review:

(a) The information contained in the application;

(b) Actions against the license (i.e., revocation, suspension, refusal to renew, etc.);

(c) All criminal convictions, and relevant civil or administrative actions or findings including, but not limited to, findings under 42 C.F.R. §488.335, disciplinary findings, and findings of abuse, neglect, exploitation, or abandonment; and

(d) Other relevant information.

(5) The department will notify the current licensee of the results of the review.

#### NEW SECTION

**WAC 388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license.** (1) The department may deny, suspend, revoke, or refuse to renew a nursing home license if the proposed or current licensee, or any partner, officer, director, managing employee, or owner of five percent or more of the proposed or current licensee of the nursing home has:

(a) Not complied with all the requirements established by chapters 18.51, 74.42, or 74.46 RCW and rules adopted thereunder; (b) A history of significant noncompliance with federal or state regulations in providing nursing home care;

(c) No credit history or a poor credit history;

(d) Engaged in the illegal use of drugs or the excessive use of alcohol or been convicted of "crimes relating to drugs" as defined in RCW 43.43.830;

(e) Unlawfully operated a nursing home, or long term care facility as defined in RCW 70.129.010, without a license;

(f) Previously held a license to operate a hospital or any facility for the care of children or vulnerable adults, and that license has been revoked, or suspended, or the licensee did not seek renewal of the license following written notification of the licensing agency's initiation of revocation or suspension of the license;

(g) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(h) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(i) Failed to meet financial obligations as the obligations fall due in the normal course of business;

(j) Been convicted of a felony, other than a felony that is a "crime against children or other persons," or a "crime relating to financial exploitation" as defined in RCW 43.43.830, if the crime reasonably relates to the competency of the individual to own or operate a nursing home;

(k) Failed to provide any authorization, documentation, or information the department requires in order to verify information contained in the application; or

(l) Failed to verify additional information the department determines relevant to the application.

(2) In determining whether there is a history of significant noncompliance with federal or state regulations under subsection (1)(b), the department may, at a minimum, consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the proposed or current licensee promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the proposed or current licensee, or any partner, officer, director, managing employee, or owner of five percent or more of the proposed or current licensee of the nursing home, has been affiliated with in the past ten years.

(3) The department must deny, suspend, revoke, or refuse to renew a proposed or current licensee's nursing home license if the proposed or current licensee or any partner, officer, director, managing employee, or owner of five percent or more of the assets of the nursing home, has been:

(a) Convicted of a "crime against children or other persons" as defined under RCW 43.43.830;

(b) Convicted of a "crime relating to financial exploitation" as defined under RCW 43.43.830;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW, or any comparable state or federal law, to have abandoned, abused, neglected or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or an individual with a developmental disability or to have abused or financially exploited any vulnerable adult;

(e) Found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor;

(f) Found by a court in a domestic relations proceeding under Title 26 RCW, or any comparable state or federal law, to have sexually abused or exploited any minor or to have physically abused any minor; or

(g) Found to have abused, neglected, or mistreated residents or misappropriated their property, and that finding has been entered on a nursing assistant registry.

NEW SECTION

**WAC 388-97-575 Appeal of the department's licensing decision.** (1) A proposed or current licensee contesting a department licensing decision must file a written request for an adjudicative proceeding within twenty days of receipt of the decision.

(2) Adjudicative proceedings will be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 18.51.065, 43.20A.205, WAC 388-98-750, and chapters 388-08 and 388-97 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision of this chapter will govern.

**MANAGEMENT AGREEMENTS  
AND CHANGES OF OWNERSHIP**

NEW SECTION

**WAC 388-97-580 Management agreements.** (1) If the responsibilities given to the manager by the management agreement are so extensive that the licensee is relieved of responsibility for the daily operations of the facility, then the department must determine that a change of ownership has occurred.

(2) The proposed licensee or the current licensee must notify the residents and their representatives sixty days before entering into a management agreement.

(3) The department must receive a written management agreement, including an organizational chart showing the relationship between the proposed or current licensee, management company, and all related organizations:

(a) Sixty days before the proposed change of ownership date as part of the initial license application or any change of ownership;

(b) Sixty days before the effective date when submitted by the current licensee; or

(c) Thirty days before the effective date of any amendment to an existing management agreement.

(4) Management agreements, at minimum must:

(a) Create a principal/agent relationship between the licensee and the manager;

(b) Describe the responsibilities of the licensee and manager, including items, services, and activities to be provided;

(c) Require the licensee's governing body, board of directors, or similar authority to appoint the facility administrator;

(d) Provide for maintenance and retention of all records as applicable according to rules and regulations;

(e) Allow unlimited access by the department to documentation and records according to applicable laws or regulations;

(f) Require the licensee to participate in monthly oversight meetings and quarterly on-site visits to the facility;

(g) Require the manager to immediately send copies of surveys and notices of noncompliance to the licensee;

(h) State that the licensee is responsible for ensuring all licenses, certifications, and accreditations are obtained and maintained;

(i) State that the manager and licensee will review the management agreement annually and notify the department of changes according to applicable rules and regulations; and

(j) Acknowledge that the licensee is the party responsible for meeting state and federal licensing and certification requirements.

(5) Upon receipt of a proposed management agreement, the department may require:

(a) The licensee or manager to provide additional information or clarification;

(b) Any changes necessary to:

(i) Bring the management agreement into compliance with this section; and

(ii) Ensure that the licensee has not been relieved of the responsibility for the daily operations of the facility; and

(c) More frequent contact between the licensee and manager under subsection (4)(f).

(6) The department may monitor the licensee's and manager's compliance with the terms of the management agreement and take any action deemed appropriate.

NEW SECTION

**WAC 388-97-585 Change of ownership.** (1) A change of ownership occurs when there is a substitution of the operator or operating entity responsible for the daily operational decisions of the nursing home, or a substitution of control of such operating entity. Events which constitute a change of ownership include, but are not limited to, the following:

(a) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the nursing home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(c) Dissolution or consolidation of the entity, or merger if the licensee does not survive the merger;

(d) If, during any continuous twenty-four month period, fifty percent or more of the entity is transferred, whether by a single transaction or multiple transactions, to:

(i) A different party (e.g., new or former shareholders);

or (ii) An individual or entity that had less than a five percent ownership interest in the nursing home at the time of the first transaction; or

(e) Any other event or combination of events that results in a substitution or substitution of control of the operator or the operating entity responsible for the daily operational decisions of the nursing home.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the licensee to manage the nursing home enterprise as the licensee's agent (i.e., as provided in WAC 388-97-580); or

(b) The real property or personal property assets of the nursing home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the operator or operating entity.

(3) When a change of ownership is contemplated, the current licensee must notify the department and all residents and their representatives at least sixty days prior to the proposed date of transfer. The notice must be in writing and contain the following information:

- (a) Name of the current licensee and proposed licensee;
  - (b) Name and address of the nursing home being transferred; and
  - (c) Date of proposed transfer.
- (4) The proposed licensee must comply with license application requirements. The operation or ownership of a nursing home must not be transferred until the proposed licensee has been issued a license to operate the nursing home.

**LICENSED BED CAPACITY, RELOCATION OF RESIDENTS AND LICENSE RELINQUISHMENT**

NEW SECTION

**WAC 388-97-590 Licensed bed capacity.** A nursing home must not be licensed for a capacity that exceeds the number of beds permitted under:

- (1) This chapter;
- (2) Chapter 70.38 RCW and regulations thereunder; or
- (3) Applicable local zoning, building or other such regulations.

NEW SECTION

**WAC 388-97-595 Relocation of residents.** (1) In the event of license revocation or suspension, decertification, or other emergency closures the department must:

- (a) Notify residents and, when appropriate, resident representatives of the action; and
  - (b) Assist with residents' relocation and specify possible alternative living choices and locations.
- (2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its Medicare and/or Medicaid contract:
- (a) The nursing home must:
    - (i) Send written notification, sixty days before closure or contract termination, to the department's designated local office and to all residents and resident representatives; and
    - (ii) Provide appropriate discharge planning and coordination for all residents.
  - (b) The department may provide residents assistance with relocation.

NEW SECTION

**WAC 388-97-600 License relinquishment.** (1) A nursing home licensee must voluntarily relinquish its license when:

- (a) The nursing home ceases to do business as a nursing home; and
  - (b) Within twenty-four hours after the last resident is discharged from the facility.
- (2) The license must be returned to the department.
- (3) If a nursing home licensee fails to voluntarily relinquish its license, the department will revoke the license.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-97-010	License—Application.
WAC 388-97-015	License—Qualification.
WAC 388-97-020	Nursing home fees.
WAC 388-97-025	License capacity.
WAC 388-97-030	Change of ownership.
WAC 388-97-035	Change in administrator or director of nursing services.
WAC 388-97-040	Name of nursing home.
WAC 388-97-045	License relinquishment upon closure.
WAC 388-97-050	License denial, modification, nonrenewal, revocation.
WAC 388-97-070	Resident rights.
WAC 388-97-080	Quality of life.
WAC 388-97-095	Dementia care unit.
WAC 388-97-100	Discharge planning.
WAC 388-97-105	Relocation due to decertification, license revocation closure, evacuation.
WAC 388-97-145	Early identification of persons with active tuberculosis.
WAC 388-97-150	Surveillance and management of tuberculosis.
WAC 388-97-200	Criminal history disclosure and background inquiries.
WAC 388-97-210	Respite services.
WAC 388-97-215	Adult day or night care.
WAC 388-97-225	Nursing facility care.
WAC 388-97-230	Discrimination prohibited.
WAC 388-97-235	Medical eligibility for nursing facility care.
WAC 388-97-240	Nursing facility admission.
WAC 388-97-245	Pre-admission screening.
WAC 388-97-250	Identification screening for current residents.
WAC 388-97-255	Pre-admission screening and annual resident review (PASARR).
WAC 388-97-265	Utilization review.

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WAC 388-97-270	Individual transfer and discharge rights, procedures, appeals.
WAC 388-97-275	Resident assessment instrument.
WAC 388-97-280	Discharge or leave of a nursing facility resident.
WAC 388-97-300	Fire standards and approval.
WAC 388-97-305	Other standards.
WAC 388-97-320	Space and equipment.
WAC 388-97-380	Maintenance and repair.
WAC 388-97-390	General.
WAC 388-97-395	Design requirements.
WAC 388-97-435	Resident care unit.
WAC 388-97-440	Resident rooms.
WAC 388-97-445	Resident room equipment.
WAC 388-97-450	Resident toilet and bathing facilities.
WAC 388-97-475	Electrical.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 10, 2000

David S. Kircher

Manager - Engineering

**REPEALER**

**REGULATION II SECTION 3.07 PETROLEUM SOLVENT DRY CLEANING SYSTEMS**

**AMENDATORY SECTION**

**REGULATION III SECTION 2.01 APPLICABILITY**

(a) Article 2 of this Regulation III shall apply to all sources of toxic air contaminants except that Section 2.05 shall not apply to the following:

(1) Asbestos Removal Operations subject of Article 4 of Regulation III

(2) Hard and Decorative Chromium Electroplating and Chromium Anodizing subject to Section 3.01 of Regulation III

(3) Solvent Metal Cleaners subject of Section 3.05 of Regulation III

(4) Perchloroethylene Dry Cleaners subject to Section 3.03 of Regulation III

~~((5))~~ ~~Petroleum Solvent Dry Cleaning Systems subject to Section 3.07 of Regulation II)~~

~~((6))~~ ~~(5) Gasoline Storage and Dispensing Operations subject to Article 2 of Regulation II~~

~~((7))~~ ~~(6) Graphic Arts Systems subject to Section 3.05 of Regulation II~~

~~((8))~~ ~~(7) Can and Paper Coating Operations subject to Section 3.03 of Regulation II~~

~~((9))~~ ~~(8) Motor Vehicle and Mobile Equipment Coating Operations subject to Section 3.04 of Regulation II~~

~~((10))~~ ~~(9) Polyester/Vinylester/Gelcoat/Resin Operations subject to Section 3.08 of Regulation II~~

~~((11))~~ ~~(10) Coatings and Ink Manufacturing subject to Section 3.11 of Regulation II~~

~~((12))~~ ~~(11) Ethylene Oxide Sterilizers and Aerators subject to Section 3.07 of Regulation III~~

(b) Any demonstration required by this Article shall be conducted in accordance with Section 2.07 of this Regulation.

**WSR 00-07-067  
PERMANENT RULES  
PUGET SOUND  
CLEAN AIR AGENCY**  
[Filed March 13, 2000, 12:13 p.m.]

Date of Adoption: March 9, 2000.

Purpose: To delete Regulation, II, Section 3.07 since there are no longer any petroleum solvent dry cleaning systems in our jurisdiction that use more than 15,000 gallons annually. To clarify the list of chemicals in Regulation III, Appendix A and their EPA hazardous air pollutant (HAP) list designations.

Citation of Existing Rules Affected by this Order: Repealing Regulation II, Section 3.07; and amending Regulation III, Section 2.01 and Appendix A.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 00-03-082 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Deleted the reference to Section 3.07 of Regulation II that was mentioned in Section 2.01 of Regulation III.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

PERMANENT

**AMENDATORY SECTION****REGULATION III APPENDIX A****ACCEPTABLE SOURCE IMPACT LEVELS**

<b>((COMPOUND)) CHEMICAL NAME</b>	<b>SYNONYM</b>	<b>CAS ((CODE)) #</b>	<b>ASIL μg/m<sup>3</sup></b>	<b>TYPE</b>
ANTU		86-88-4	1.0	B
√Acetaldehyde		75-07-0	0.45	A
√Acetamide		60-35-5	TBD	B
Acetic acid		64-19-7	83	B
Acetic anhydride		108-24-7	67	B
Acetone		67-64-1	5900	B
√Acetonitrile		75-05-8	220	B
√Acetophenone		98-86-2	TBD	B
√2-Acetylaminofluorene		53-96-3	TBD	A
Acetylene tetrabromide		79-27-6	47	B
√Acrolein		107-02-8	0.02	B
√Acrylamide		79-06-1	0.00077	A
√Acrylic acid		79-10-7	0.30	B
√Acrylonitrile		107-13-1	0.015	A
Aldrin		309-00-2	0.0002	A
Allyl alcohol		107-18-6	17	B
√Allyl chloride		107-05-1	1.0	B
Allyl glycidyl ether	((E))AGE((?))	106-92-3	77	B
Allyl propyl disulfide		2179-59-1	40.0	B
Aluminum, Al alkyls		7429-90-5	6.7	B
Aluminum, as Al metal dusts		7429-90-5	33	B
Aluminum, as Al pyro powders		7429-90-5	17	B
Aluminum, as Al soluble salts		7429-90-5	6.7	B
Aluminum, as Al welding fumes		7429-90-5	17	B
2-Aminoanthraquinone		117-79-3	TBD	A
o-Aminoazotoluene		97-56-3	TBD	A
√4-Aminobiphenyl		92-67-1	TBD	A
2-Aminopyridine		504-29-0	6.3	B
Amitrole		61-82-5	0.06	C
Ammonia		7664-41-7	100	B
Ammonium chloride fumes		12125-02-9	33	B
Ammonium perfluorooctanoate		3825-26-1	0.33	B
Ammonium sulfamate		7773-06-0	33	B
n-Amyl acetate		628-63-7	1800	B
sec-Amyl acetate		626-38-0	2200	B
√Aniline		62-53-3	6.3	A
√Aniline and homologues		62-53-3	1.0	B
Anisidine (o-,p- isomers)		29191-52-4	1.7	B
√o-Anisidine		90-04-0	1.7	C
√Antimony & compounds, as Sb		7440-36-0	1.7	B
√Antimony trioxide, as Sb ((E))[antimony compound]((?))		1309-64-4	1.7	B
√Arsenic and inorganic arsenic compounds		7440-38-2	0.00023	A
√Arsine		7784-42-1	0.53	B
√Asbestos (Note: fibers/ml)		1332-21-4	0.0000044	A
Asphalt (petroleum) fumes		8052-42-4	17	B
Atrazine		1912-24-9	17	B
Auramine (technical grade)		2465-27-2	TBD	A
Azinphos-methyl		86-50-0	0.67	B
√Aziridine	((E))Ethylene imine((?))	151-56-4	2.9	B

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Barium, soluble compounds Ba		7440-39-3	1.7	B
Benomyl		17804-35-2	33	B
√ Benzene		71-43-2	0.12	A
√ Benzidine and its salts		92-87-5	0.000015	A
√ Benzo(a)anthracene ((€)) <i>[POM]</i> ((§))		56-55-3	TBD	A
√ Benzo(a)pyrene ((€)) <i>[POM]</i> ((§))		50-32-8	0.00048	A
√ Benzo(b)fluoranthene ((€)) <i>[POM]</i> ((§))		205-99-2	TBD	A
Benzo(j)fluoranthene		205-82-3	TBD	A
√ Benzo(k)fluoranthene ((€)) <i>[POM]</i> ((§))		207-08-9	TBD	A
√ Benzotrichloride		98-07-7	TBD	B
Benzoyl peroxide		94-36-0	17	B
√ Benzyl chloride		100-44-7	17	B
Benzyl violet 4b		1694-09-3	TBD	A
√ Beryllium and its compounds		7440-41-7	0.00042	A
√ Biphenyl		92-52-4	4.3	B
√ Bis(2-chloroethyl)ether	((€))Dichloroethyl ether((§))	111-44-4	0.003	A
√ Bis(chloromethyl)ether		542-88-1	0.000016	A
√ Bis(2-ethylhexyl)phthalate	((€))DEHP; Di(2-ethylhexyl)phthalate((§))	117-81-7	2.5	A
Bismuth telluride		1304-82-1	33	B
Bismuth telluride Se doped		1304-82-1	17	B
Borates, anhydrous		1303-96-4	3.3	B
Borates, decahydrate		1303-96-4	17	B
Borates, pentahydrate		1303-96-4	3.3	B
Boron oxide		1303-86-2	33	B
Boron tribromide		10294-33-4	33	B
Boron trifluoride		76737-07-2	9.3	B
Bromacil		314-40-9	33	B
Bromine		7726-95-6	2.2	B
Bromine pentafluoride		7789-30-2	2.4	B
√ Bromoform		75-25-2	0.91	A
√ Bromomethane	((€))Methyl bromide((§))	74-83-9	5.0	B
√ 1,3-Butadiene		106-99-0	0.0036	A
Butane		106-97-8	6300.0	B
√ 2-Butanone	((€))Methyl ethyl ketone; <b>MEK</b> ((§))	78-93-3	1000	B
√ 2-Butoxyethanol [ <i>glycol ether</i> ] ((€))Butyl cellosolve; Ethylene glycol monobutyl ether((§))		111-76-2	400	B
n-Butyl acetate		123-86-4	2400	B
sec-Butyl acetate		105-46-4	3200	B
tert-Butyl acetate		540-88-5	3200	B
Butyl acrylate		141-32-2	170	B
n-Butyl alcohol		71-36-3	500	B
sec-Butyl alcohol		78-92-2	1000	B
tert-Butyl alcohol		75-65-0	1000	B
√ Butyl cellosolve [ <i>glycol ether</i> ] 2-Butoxyethanol; Ethylene glycol monobutyl ether		111-76-2	400	B
√ tert-Butyl chromate, as CrO <sub>3</sub> ((€)) <i>[chromium compound]</i> ((§))		1189-85-1	0.33	B
n-Butyl glycidyl ether	((€))BGE((§))	2426-08-6	440	B
n-Butyl lactate		138-22-7	83	B
n-Butyl mercaptan		109-79-5	6.0	B
n-Butylamine		109-73-9	50.0	B
√ 1,2-Butylene oxide	((€))1,2-Epoxybutane((§))	106-88-7	20	B
o-sec-Butylphenol		89-72-5	100	B
p-tert-Butyltoluene		98-51-1	200	B
β-Butyrolactone		3068-88-0	TBD	A
√ Cadmium and compounds		7440-43-9	0.00056	A
√ Calcium cyanamide		156-62-7	1.7	B
Calcium hydroxide		1305-62-0	17	B

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Calcium oxide		1305-78-8	6.7	B
Camphor, synthetic		76-22-2	40	B
√Caprolactam, dusts		105-60-2	3.3	B
√Caprolactam, vapors		105-60-2	67	B
Captafol		2425-06-1	0.33	B
√Captan		133-06-2	17	B
√Carbaryl		63-25-2	17	B
Carbofuran		1563-66-2	0.33	B
Carbon black		1333-86-4	12	B
√Carbon disulfide		75-15-0	100	B
Carbon tetrabromide		558-13-4	4.7	B
√Carbon tetrachloride		56-23-5	0.067	A
Carbonyl fluoride		353-50-4	18	B
√Carbonyl sulfide		463-58-1	TBD	B
√Catechol		120-80-9	77	B
√Cellulosolve [ <i>glycol ether</i> ]	((f))2-Ethoxyethanol((g))	110-80-5	200	B
Cesium hydroxide		21351-79-1	6.7	B
√Chloramben		133-90-4	TBD	B
√Chlordane		57-74-9	0.0027	A
√Chlorinated camphene	((f))Toxaphene((g))	8001-35-2	0.0031	A
Chlorinated diphenyl oxide	((f))hexachlorophenyl ether((g))	55720-99-5	1.7	B
√Chlorine		7782-50-5	5.0	B
Chlorine dioxide		10049-04-4	0.2	B
Chlorine trifluoride		7790-91-2	1.3	B
1-Chloro-1-nitropropane		600-25-9	33	B
√1-Chloro-2,3-epoxypropane	Epichlorohydrin	106-89-8	0.83	A
Chloroacetaldehyde		107-20-0	11	B
√Chloroacetic acid		79-11-8	TBD	B
√a-Chloroacetophenone		532-27-4	1.1	B
Chloroacetyl chloride		79-04-9	0.67	B
o-Chlorobenzylidene malononitrile		2698-41-1	1.3	B
√Chlorobenzene		108-90-7	150	B
√Chlorobenzilate		510-15-6	0.2	A
Chlorobromomethane		74-97-5	3500	B
Chlorodifluoromethane		75-45-6	12000	B
√Chloroethane	((f))Ethyl chloride((g))	75-00-3	10000	B
√Chloroform		67-66-3	0.043	A
√Chloromethane	((f))Methyl chloride((g))	74-87-3	340	B
√Chloromethyl methyl ether (technical grade)		107-30-2	TBD	A
Chloropentafluoroethane		76-15-3	21000	B
Chlorophenols		108-43-0	0.18	A
Chloropicrin		76-06-2	2.2	B
√β-Chloroprene		126-99-8	120.0	C
o-Chlorostyrene		2039-87-4	940	B
o-Chlorotoluene		95-49-8	860	B
Chlorpyrifos		2921-88-2	0.67	B
√Chromium (II) compounds, as Cr		7440-47-3	1.7	B
√Chromium (III) compounds, as Cr		7440-47-3	1.7	B
√Chromium (VI) compounds		7440-47-3	0.000083	A
√Chromium (metal)		7440-47-3	1.7	B
√Chromyl chloride ((f))[chromium compound]((g))		14977-61-8	0.53	B
Clopidol		2971-90-6	33	B
√Cobalt as Co, metals, dusts and fumes		7440-48-4	0.17	B
√Cobalt carbonyl as Co ((f))[cobalt compound]((g))		10210-68-1	0.33	B

√Cobalt hydrocarbonyl ((f))[cobalt compound](g))		16842-03-8	0.33	B
√Coke oven emissions		81103*	0.0016	A
Copper as Cu, dusts and mists		7440-50-8	3.3	B
Copper, fumes		7440-50-8	0.67	B
Cotton dust, raw		81106*	0.67	B
Creosote		8001-58-9	TBD	A
√Cresol, all isomers		1319-77-3	73	B
√Crotonaldehyde ((f))[POM](g))		4170-30-3	20.0	B
Crufomate		299-86-5	17	B
√Cumene	((f))Isopropylbenzene(g))	98-82-8	820	B
Cupferron		135-20-6	TBD	A
Cyanamide		420-04-2	6.7	B
√Cyanides, as CN		57-12-5	17	B
Cyanogen		460-19-5	67	B
Cyanogen chloride		506-77-4	2.5	B
√1,4-Cyclohexadienedione	((f))Quinone(g))	106-51-4	1.5	B
Cyclohexane		110-82-7	3400	B
Cyclohexanol		108-93-0	690	B
Cyclohexanone		108-94-1	330	B
Cyclohexene		110-83-8	3400	B
Cyclohexylamine		108-91-8	140	B
Cyclonite		121-82-4	5.0	B
Cyclopentadiene		542-92-7	680	B
Cyclopentane		287-92-3	5700	B
Cyhexatin		13121-70-5	17	B
√2,4-D salts and esters	((f))2,4-Dichlorophenoxy acetic acid(g))	94-75-7	33.0	C
√DDE	((f))p,p'-Dichlorodiphenyldichloroethylene(g))	3547-04-4	0.1	A
DDT	((f))1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane(g))	50-29-3	0.01	A
Decaborane		17702-41-9	0.83	B
Demeton		8065-48-3	0.37	B
√Di(2-ethylhexyl)phthalate	((f))Bis(2-ethylhexyl)phthalate; DEHP(g))	117-81-7	2.5	A
Diacetone alcohol		123-42-2	790	B
N,N-Diacetylbenzidine		613-35-4	TBD	A
4,4'-Diaminodiphenyl ether		101-80-4	TBD	A
Diazinon		333-41-5	0.33	B
√Diazomethane		334-88-3	1.1	B
Dibenz(a,h)acridine		226-36-8	TBD	A
√Dibenz(a,h)anthracene ((f))[POM](g))		53-70-3	TBD	A
Dibenz(a,j)acridine		224-42-0	TBD	A
Dibenzo(a,e)pyrene		192-65-4	TBD	A
Dibenzo(a,h)pyrene		189-64-0	TBD	A
Dibenzo(a,l)pyrene		191-30-0	TBD	A
√Dibenzofurans		132-64-9	TBD	A
1,2,7,8-Dibenzopyrene	((f))Dibenzo(a,i)pyrene(g))	189-55-9	TBD	A
Diborane		19287-45-7	0.37	B
√1,2-Dibromoethane	Ethylene dibromide	106-93-4	0.0045	A
√1,2-Dibromo-3-chloropropane		96-12-8	0.20	B
Dibutyl phosphate		107-66-4	29	B
√Dibutyl phthalate		84-74-2	17	B
2-N-Dibutylaminoethanol		102-81-8	47	B
Dichloroacetylene		7572-29-4	1.3	B
√1,4-Dichlorobenzene	((f))p-Dichlorobenzene(g))	106-46-7	1.5	A
o-Dichlorobenzene	((f))1,2-Dichlorobenzene(g))	95-50-1	1000	B
√3,3'-Dichlorobenzidine		91-94-1	0.077	A
1,4-Dichloro-2-butene		764-41-0	0.00038	A

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3,3'-Dichloro-4,4'-diaminodiphenyl ether		28434-86-8	TBD	A
Dichlorodifluoromethane		75-71-8	16000	B
1,3-Dichloro-5,5-dimethylhydantoin		118-52-5	0.67	B
√p,p'-Dichlorodiphenyldichloroethylene	((E))DDE((E))	3547-04-4	0.1	A
√1,1-Dichloroethane	((E))Ethylidene dichloride((E))	75-34-3	2700	B
√1,2-Dichloroethane	((E))Ethylene dichloride((E))	107-06-2	0.038	A
√Dichloroethyl ether	((E))Bis (2-chloroethyl)ether((E))	111-44-4	0.003	A
√1,1-Dichloroethylene	((E))Vinylidene chloride((E))	75-35-4	67	B
1,2-Dichloroethylene		540-59-0	2600	B
Dichlorofluoromethane		75-43-4	130	B
√Dichloromethane	((E))Methylene chloride((E))	75-09-2	0.56	A
1,1-Dichloro-1-nitroethane		594-72-9	40	B
√2,4-Dichlorophenoxy acetic acid	2,4-D salts and esters	94-75-7	33.0	C
Dichlorophenylarsine (( <del>arsenic group</del> )))		696-28-6	TBD	A
√1,2-Dichloropropane	((E))Propylene dichloride((E))	78-87-5	4.0	C
√Dichloropropene		542-75-6	20	B
2,2-Dichloropropionic acid		75-99-0	19	B
Dichlorotetrafluoroethane		76-14-2	23000	B
√Dichlorvos		62-73-7	3.3	B
Dicrotophos		141-66-2	0.83	B
Dicyclopentadiene		77-73-6	100	B
Dicyclopentadienyl iron		102-54-5	33	B
Dieldrin		60-57-1	0.00022	A
√Diethanolamine		111-42-2	43	B
√Diethyl aniline	Dimethylaniline	121-69-7	83	B
Diethyl ketone		96-22-0	2300	B
(( <del>Diethyl nitrosamine</del> )) <u>Diethylnitrosoamine</u> ((E))DEN; N-Nitrosodiethylamine((E))		55-18-5	0.000023	A
Diethyl phthalate		84-66-2	17	B
√Diethyl sulfate		64-67-5	TBD	B
Diethylamine		109-89-7	100	B
Diethylaminoethanol		100-37-8	170	B
Diethylene triamine		111-40-0	14	B
√1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	0.032	A
1,2-Diethylhydrazine		1615-80-1	TBD	A
Difluorodibromomethane		75-61-6	2900	B
Diglycidyl ether		2238-07-5	1.7	B
Diglycidyl resorcinol ether		101-90-6	TBD	A
Dihydroxymethyl-furaztrizine	Panfuran S	794-93-4	TBD	A
Diisobutyl ketone		108-83-8	480	B
Diisopropylamine		108-18-9	67	B
√3,3'-Dimethoxybenzidine	((E))Qrtol-dianisidine((E))	119-90-4	TBD	A
√Dimethyl aminoazobenzene		60-11-7	TBD	B
√3,3'-Dimethyl benzidine		119-93-7	0.0038	A
√Dimethyl carbamoyl chloride		79-44-7	TBD	B
√Dimethyl phthalate		131-11-3	17	B
√Dimethyl sulfate		77-78-1	1.7	C
Dimethylacetamide		127-19-5	120	B
Dimethylamine		124-40-3	60	B
√Dimethylaniline	((E))Diethyl aniline((E))	121-69-7	83	B
√Dimethylformamide		68-12-2	30	B
√1,1-Dimethylhydrazine		57-14-7	4.0	B
1,2-Dimethylhydrazine		540-73-8	4.0	C
√Dimethylnitrosoamine	((E))N-Nitrosodimethylamine((E))	62-75-9	0.000071	A
Dinitolmide		148-01-6	17	B
√Dinitro-o-cresol		534-52-1	0.67	B

Dinitrobenzene, all isomers		528-29-0	3.3	B
√2,4-Dinitrophenol		51-28-5	TBD	B
√2,4-Dinitrotoluene		121-14-2	5.0	B
√1,4-Dioxane	((f))1,4-Diethyleneoxide((g))	123-91-1	0.032	A
Dioxathion		78-34-2	0.67	B
√Dioxins and furans		43110*	TBD	A
Diphenylamine		122-39-4	33	B
√1,2-Diphenyl hydrazine		122-66-7	0.0045	A
Dipropyl ketone		123-19-3	780	B
Dipropylene glycol methyl ether		34590-94-8	2000	B
Diquat		85-00-7	1.7	B
Disulfiram		97-77-8	6.7	B
Disulfuton		298-04-4	0.33	B
2,6-Ditert. butyl-p-cresol		128-37-0	33	B
Diuron		330-54-1	33	B
Divinyl benzene		1321-74-0	180	B
EPN		2104-64-5	1.7	B
Endosulfan		115-29-7	0.33	B
Endrin		72-20-8	0.33	B
Enflurane		13838-16-9	1900	B
√Epichlorohydrin	((f))1-Chloro-2,3-epoxypropane((g))	106-89-8	0.83	A
√1,2-Epoxybutane	((f))1,2-Butylene oxide((g))	106-88-7	20	B
Ethanolamine		141-43-5	25	B
Ethion		563-12-2	1.3	B
√2-Ethoxyethanol ((f))[glycol ether]((g))	((f))Cellosolve((g))	110-80-5	200	B
√2-Ethoxyethyl acetate ((f))[glycol ether]((g))		111-15-9	90	B
Ethyl acetate		141-78-6	4800	B
√Ethyl acrylate		140-88-5	66	B
Ethyl alcohol		64-17-5	6300	B
Ethyl amyl ketone		541-85-5	440	B
√Ethyl benzene		100-41-4	1000	B
Ethyl bromide		74-96-4	3000	B
Ethyl butyl ketone		106-35-4	780	B
√Ethyl carbamate	((f))Urethan((g))	51-79-6	TBD	B
√Ethyl chloride	((f))Chloroethane((g))	75-00-3	10000	B
Ethyl ether		60-29-7	4000	B
Ethyl formate		109-94-4	1000	B
Ethyl mercaptan		75-08-1	4.3	B
Ethyl silicate		78-10-4	280	B
Ethylamine		75-04-7	60	B
√Ethylene dichloride	((f))1,2-Dichloroethane((g))	107-06-2	0.038	A
Ethylene chlorohydrin		107-07-3	11	B
Ethylene diamine		107-15-3	83	B
√Ethylene dibromide	((f))1,2-Dibromoethane((g))	106-93-4	0.0045	A
√Ethylene glycol		107-21-1	420	B
Ethylene glycol dinitrate		628-96-6	1.0	B
√Ethylene glycol monobutyl ether [glycol ether]	2-Butoxyethanol; Butyl cellosolve	111-76-2	400	B
√Ethylene imine	((f))Aziridine((g))	151-56-4	2.9	B
√Ethylene oxide		75-21-8	0.010	A
√Ethylene thiourea		96-45-7	1.0	A
√Ethylidene dichloride	((f))1,1-Dichloroethane((g))	75-34-3	2700	B
Ethylidene norbornene		16219-75-3	83	B
N-Ethylmorpholine		100-74-3	77	B
Fenamiphos		22224-92-6	0.33	B
Fensulfothion		115-90-2	0.33	B

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Fenthion		55-38-9	0.67	B
Ferbam		14484-64-1	33	B
Ferrovandium dust		12604-58-9	3.3	B
Fibrous glass dust		81111*	33	B
√Fine mineral fibers		81104*	33	B
Fluorides, as F		16984-48-8	8.3	B
Fluorine		7782-41-4	5.3	B
Fonofos		944-22-9	0.33	B
√Formaldehyde		50-00-0	0.077	A
Formamide		75-12-7	60	B
Formic acid		64-18-6	31	B
Furazolidone		67-45-8	TBD	A
Furfural		98-01-1	26	B
Furfuryl alcohol		98-00-1	130	B
Furium (nitrofurane group)		43111*	TBD	A
Germanium tetrahydride		7782-65-2	2.1	B
Glutaraldehyde		111-30-8	2.5	B
Glyciadialdehyde		765-34-4	TBD	A
Glycidol		556-52-5	250	B
√Glycol ethers		43107*	TBD	B
Hafnium		7440-58-6	1.7	B
Halothane		151-67-7	1300	B
√Heptachlor		76-44-8	0.00077	A
Heptane	((f))n-Heptane((g))	142-82-5	5500	B
√Hexachlorobenzene		118-74-1	0.0022	A
√Hexachlorobutadiene		87-68-3	0.70	B
alpha-Hexachlorocyclohexane ((f)Lindane) Alpha (BHC))	alpha-Lindane	319-84-6	1.7	C
beta-Hexachlorocyclohexane ((f)Lindane) Beta (BHC))	beta-Lindane	319-85-7	1.7	C
√gamma-Hexachlorocyclohexane	((f))Lindane((g)) Gamma (BHC))	58-89-9	0.0026	A
√Hexachlorocyclopentadiene		77-47-4	0.33	B
1,2,3,6,7,8-Hexachloro-dibenzo-o-dioxin (1:2 mixture)		34465-46-8	TBD	A
1,2,3,7,8,9-Hexachloro-dibenzo-o-dioxin (1:2 mixture)		19408-74-3	TBD	A
√Hexachloroethane		67-72-1	32.0	B
Hexachloronaphthalene		1335-87-1	0.67	B
Hexachlorophenyl ether	((f))Chlorinated diphenyl oxide((g))	55720-99-5	1.7	B
Hexafluoroacetone		684-16-2	2.3	B
√Hexamethylene diisocyanate		822-06-0	0.11	B
√Hexamethylphosphoramide		680-31-9	TBD	A
√Hexane (n-Hexane)		110-54-3	200	B
Hexane, other isomers		43103*	5900	B
2-Hexanone	((f))Methyl butyl ketone((g))	591-78-6	67	B
√Hexone	((f))Methyl isobutyl ketone; ((f))MIBK((g))	108-10-1	680	B
sec-Hexyl acetate		108-84-9	980	B
Hexylene glycol		107-41-5	400	B
√Hydrazine		302-01-2	0.0002	A
Hydrogen bromide		10035-10-6	33	B
√Hydrogen chloride	((f))Hydrochloric acid((g))	7647-01-0	7.0	B
√Hydrogen cyanide ((f))Cyanide compoundI((g))		74-90-8	37	B
√Hydrogen fluoride, as F	((f))Hydrofluoric acid((g))	7664-39-3	8.7	B
Hydrogen peroxide		7722-84-1	4.7	B
Hydrogen selenide, as Se		7783-07-5	0.53	B
Hydrogen sulfide		7783-06-4	0.9	B
√Hydroquinone		123-31-9	6.7	B
2-Hydroxypropyl acrylate		999-61-1	9.3	B
Indene		95-13-6	160	B

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√Indeno(1,2,3-cd)pyrene (( <del>☺</del> )[POM]( <del>☺</del> ))		193-39-5	TBD	A
Indium, & compounds as In		7440-74-6	0.33	B
Iodine		7553-56-2	3.3	B
Iodoform		75-47-8	33	B
√Iodomethane	(( <del>☺</del> ))Methyl iodide( <del>☺</del> ))	74-88-4	40	B
Iron oxide fumes, Fe <sub>2</sub> O <sub>3</sub> as Fe		1309-37-1	17	B
Iron pentacarbonyl, as Fe		13463-40-6	0.83	B
Iron salts, soluble as Fe		81101*	3.3	B
Isoamyl acetate		123-92-2	1700	B
Isoamyl alcohol		123-51-3	1200	B
Isobutyl acetate		110-19-0	2400	B
Isobutyl alcohol		78-83-1	510	B
Isocetyl alcohol		26952-21-6	890	B
√Isophorone		78-59-1	93	B
Isophorone diisocyanate		4098-71-9	0.15	B
Isopropoxyethanol		109-59-1	350	B
Isopropyl acetate		108-21-4	3500	B
Isopropyl alcohol		67-63-0	3300	B
Isopropyl ether		108-20-3	3500	B
Isopropyl glycidyl ether	(( <del>☺</del> ))IGE( <del>☺</del> ))	4016-14-2	790	B
Isopropyl oils		43112*	TBD	A
Isopropylamine		75-31-0	40	B
N-Isopropylaniline		768-52-5	37	B
√Isopropylbenzene	(( <del>☺</del> ))Cumene( <del>☺</del> ))	98-82-8	820	B
Ketene		463-51-4	2.9	B
√Lead acetate (( <del>☺</del> ))[lead compound]( <del>☺</del> ))		301-04-2	TBD	A
√Lead arsenate, as Pb <sub>3</sub> (AsO <sub>4</sub> ) <sub>2</sub> (( <del>☺</del> ))[arsenic and lead compound]( <del>☺</del> ))		3687-31-8	0.50	B
√Lead chromate, as Cr (( <del>☺</del> ))[lead compound]( <del>☺</del> ))		7758-97-6	0.040	B
√Lead compounds		81109*	0.5	C
√Lead phosphate (( <del>☺</del> ))[lead compound]( <del>☺</del> ))		7446-27-7	TBD	A
Liquified petroleum gas		68476-85-7	6000	B
alpha-Lindane	alpha-Hexachlorocyclohexane	319-84-6	1.7	C
beta-Lindane	beta-Hexachlorocyclohexane	319-85-7	1.7	C
√Lindane	gamma-Hexachlorocyclohexane	58-89-9	0.0026	A
Lithium hydride		7580-67-8	0.080	B
Magnesium oxide fumes		1309-48-4	33	B
Malathion		121-75-5	33	B
√Maleic anhydride		108-31-6	3.3	B
√Manganese, dusts and compounds		7439-96-5	0.40	B
√Manganese, fumes		7439-96-5	3.3	B
√Manganese cyclopentadienyl tricarbonyl	(( <del>☺</del> ))[manganese compound]( <del>☺</del> ))	12079-65-1	0.33	B
√Mercury, Aryl & inorganic compounds		7439-97-6	0.33	B
√Mercury, as Hg Alkyl compounds		7439-97-6	0.33	B
√Mercury, vapors except alkyl		7439-97-6	0.17	B
Mesityl oxide		141-79-7	200	B
Methacrylic acid		79-41-4	230	B
√Methanol	Methyl alcohol	67-56-1	870	B
Methomyl		16752-77-5	8.3	B
√Methoxychlor		72-43-5	33	B
2-Methoxyethanol	(( <del>☺</del> ))Methyl cellosolve( <del>☺</del> ))	109-86-4	20	B
√2-Methoxyethyl acetate (( <del>☺</del> ))[glycol ether]( <del>☺</del> ))		110-49-6	80	B
4-Methoxyphenol		150-76-5	17	B
2-Methyl-1-nitroanthraquinone		129-15-7	TBD	A
Methyl 2-cyanoacrylate		137-05-3	30	B
Methyl acetate		79-20-9	2000	B

Methyl acetylene		74-99-7	5500	B
Methyl acetylene-propadiene mixture	((f))MAPP((f))	59355-75-8	5500	B
Methyl acrylate		96-33-3	120	B
√Methyl alcohol	((f))Methanol((f))	67-56-1	870	B
N-Methyl aniline		100-61-8	7.3	B
√2-Methyl aziridine	((f))1,2-Propylene imine((f))	75-55-8	16	B
Methyl azoxymethyl acetate		592-62-1	TBD	A
√Methyl bromide	((f))Bromomethane((f))	74-83-9	5.0	B
Methyl cellosolve	((f))2-Methoxyethanol((f))	109-86-4	20	B
√Methyl chloride	((f))Chloromethane((f))	74-87-3	340	B
√Methyl chloroform	((f))1,1,1-Trichloroethane((f))	71-55-6	6400	B
Methyl demeton		8022-00-2	1.7	B
√Methyl ethyl ketone	((f))MEK; 2-Butanone((f))	78-93-3	1000	B
Methyl ethyl ketone peroxide		1338-23-4	5.0	B
Methyl formate		107-31-3	820	B
√Methyl hydrazine		60-34-4	1.2	B
√Methyl iodide	((f))Iodomethane((f))	74-88-4	40	B
Methyl isoamyl ketone		110-12-3	780	B
Methyl isobutyl carbinol		108-11-2	350	B
√Methyl isobutyl ketone	((f))MIBK; Hexone((f))	108-10-1	680	B
√Methyl isocyanate		624-83-9	0.16	B
Methyl isopropyl ketone		563-80-4	2300	B
Methyl mercaptan		74-93-1	3.3	B
√Methyl methacrylate		80-62-6	1400	B
Methyl n-amyl ketone		110-43-0	780	B
Methyl n-butyl ketone		591-78-6	67	B
Methyl parathion		298-00-0	0.67	B
Methyl propyl ketone		107-87-9	2300	B
Methyl silicate		681-84-5	20	B
a-Methyl styrene		98-83-9	810	B
√Methyl tert-butyl ether		1634-04-4	500	B
Methylacrylonitrile		126-98-7	9.0	B
Methylal		109-87-5	10000	B
Methylamine		74-89-5	43	B
5-Methylchrysene		3697-24-3	TBD	A
Methylcyclohexane		108-87-2	5400	B
Methylcyclohexanol		25639-42-3	780	B
o-Methylcyclohexanone		583-60-8	760	B
√Methylcyclopentadienyl manganese tricarbonyl ((f))[manganese compound]((f))		12108-13-3	0.67	B
Methylene bis(4-cyclo-hexylisocyanate)		5124-30-1	0.18	B
4,4'-Methylene bis(2-methylaniline)		838-88-0	TBD	A
√4,4'-Methylene bis(2-chloroaniline)		101-14-4	0.7	C
√Methylene bis(phenyl isocyanate)	((f))Methylene diphenyl diisocyanate((f)); MDI((f))	101-68-8	0.2	B
√Methylene chloride	((f))Dichloromethane((f))	75-09-2	0.56	A
√4,4-Methylene dianiline		101-77-9	2.7	C
4,4-Methylenedianiline dihydrochloride		13552-44-8	TBD	A
4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone		64091-91-4	TBD	A
Metribuzin		21087-64-9	17	B
Mevinphos		7786-34-7	0.33	B
Mirex		2385-85-5	TBD	A
Molybdenum, as Mo soluble compounds		7439-98-7	17	B
Molybdenum, insoluble compounds		7439-98-7	33	B
Monocrotophos		6923-22-4	0.83	B
Morpholine		110-91-8	240	B
5-(Morpholinomethyl)-3-((5-nitrofurfurylidene) ((f))amino)-2-oxazolidinone ((f))Furaldone((f)) Furaldone		139-91-3	TBD	A

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Naled		300-76-5	10	B
Naphtha	((f))Rubber solvent((g))	43102*	5300	B
√Naphthalene		91-20-3	170	B
1-Naphthylamine		134-32-7	TBD	A
√Nickel and compounds (as nickel subsulfide or nickel refinery dust)		7440-02-2	0.0021	A
Nicotine		54-11-5	1.7	B
Nitrapyrin		1929-82-4	33	B
Nitric acid		7697-37-2	17	B
Nitric oxide		10102-43-9	100	B
5-Nitroacenaphthene		602-87-9	TBD	A
p-Nitroaniline		100-01-6	10	B
√Nitrobenzene		98-95-3	1.7	B
√4-Nitrobiphenyl		92-93-3	TBD	B
p-Nitrochlorobenzene		100-00-5	2.0	B
Nitroethane		79-24-3	1000	B
Nitrofen		1836-75-5	TBD	A
Nitrofurans Furazolidone		43114*	TBD	A
Nitrofurazone		59-87-0	TBD	A
1-(5-Nitrofurfurylidene)amino)-2-imidazolidinone		555-84-9	TBD	A
Nitrogen mustard N-oxide		126-85-2	TBD	A
Nitrogen mustard n-oxide hydro-chloride		302-70-5	TBD	A
Nitrogen trifluoride		7783-54-2	97	B
Nitroglycerin		55-63-0	1.5	B
Nitromethane		75-52-5	830	B
√4-Nitrophenol		100-02-7	TBD	B
1-Nitropropane		108-03-2	20	B
√2-Nitropropane		79-46-9	0.00037	A
N-Nitrosodiethylamine	((f))Diethylnitrosoamine((g)); ((f))DEN((g))	55-18-5	0.000023	A
√N-Nitrosodimethylamine	((f))Dimethylnitrosoamine((g))	62-75-9	0.000071	A
N-Nitrosodi-n-butylamine		924-16-3	0.00063	A
N-Nitrosodi-n-propylamine		621-64-1	TBD	A
N-Nitrosodiphenylamine		86-30-6	TBD	A
N-Nitrosomethylethylamine		10595-95-6	TBD	A
√N-Nitrosomorpholine		59-89-2	TBD	A
N-Nitroso-n-ethylurea	((f))NEU((g))	759-73-9	TBD	A
√N-Nitroso-N-methylurea	((f))NMU((g))	684-93-5	TBD	B
N-Nitroso-n-methylurethane		615-53-2	TBD	A
Nitrotoluene		88-72-2	37	B
N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide		531-82-8	TBD	A
Nonane		111-84-2	3500	B
Octachloronaphthalene		2234-13-1	0.33	B
Octane		111-65-9	4700	B
Oil mist, mineral		8012-95-1	17	B
Oil orange SS		2646-17-5	TBD	A
√Ortol-dianisidine	3,3'-Dimethoxybenzidine	119-90-4	TBD	A
Osmium tetroxide as Os		20816-12-0	0.0053	B
Oxalic acid		144-62-7	3.3	B
Oxygen difluoride		7783-41-7	0.37	B
Panfuran S	((f))Dihydroxymethyl-furatrizine((g))	794-93-4	TBD	A
Parafin wax fumes		8002-74-2	6.7	B
Paraquat		4685-14-7	4.5	B
√Parathion		56-38-2	0.33	B
Pentaborane		19624-22-7	0.043	B
Pentachloronaphthalene		1321-64-8	1.7	B
√Pentachloronitrobenzene	((f))Quintobenzene((g))	82-68-8	1.7	B
√Pentachlorophenol		87-86-5	0.33	A

Pentane		109-66-0	6000	B
√Perchloroethylene	((f))Tetrachloroethylene((g))	127-18-4	1.1	A
Perchloromethyl mercaptan		594-42-3	2.5	B
Perchloryl fluoride		7616-94-6	43	B
√Phenol		108-95-2	63	B
Phenothiazine		92-84-2	1.7	B
Phenoxybenzamine hydrochloride		63-92-3	TBD	A
Phenyl ether		101-84-8	23	B
Phenyl glycidyl ether		122-60-1	2000	B
Phenyl mercaptan		108-98-5	7.7	B
√p-Phenylenediamine		106-50-3	0.33	B
Phenyldiazine		100-63-0	1.5	B
Phenylphosphine		638-21-1	0.77	B
N-Phenyl-2-naphthylamine		135-88-6	TBD	A
Phorate		298-02-2	0.17	B
√Phosgene		75-44-5	1.3	B
√Phosphine		7803-51-2	1.3	B
Phosphoric acid		7664-38-2	3.3	B
√Phosphorus		7723-14-0	0.33	B
Phosphorus oxychloride		10025-87-3	2.1	B
Phosphorus pentachloride		10026-13-8	2.8	B
Phosphorus pentasulfide		1314-80-3	3.3	B
Phosphorus trichloride		7719-12-2	3.7	B
√Phthalic anhydride		85-44-9	20	B
m-Phthalodinitrile		626-17-5	17	B
Picloram		1918-02-1	33	B
Picric acid		88-89-1	0.33	B
Pindone		83-26-1	0.033	B
Piperazine dihydrochloride		142-64-3	17	B
Platinum, metals		7440-06-4	3.3	B
Platinum, soluble salts as Pt		7440-06-4	0.0067	B
Polyaromatic hydrocarbons	((f))PAH((g))	43116*	0.00048	A
√Polychlorinated biphenyls	((f))PCB((g))	1336-36-3	0.0045	A
√Polycyclic Organic Matter	<u>POM</u>	43108*	TBD	A
Ponceau MX		3761-53-3	TBD	A
Potassium hydroxide		1310-58-3	6.7	B
Primary Aluminum Smelter uncontrolled roof vent PAH emissions		81113*	0.0013	A
√1,3-Propane sultone		1120-71-4	TBD	A
Propargyl alcohol		107-19-7	7.7	B
√β-Propiolactone		57-57-8	5.0	B
√Propionaldehyde		123-38-6	TBD	B
√Propoxur		114-26-1	1.7	B
Prop((f))ionic acid		79-09-4	100	B
n-Propyl acetate		109-60-4	2800	B
n-Propyl alcohol		71-23-8	1600	B
n-Propyl nitrate		627-13-4	360	B
√Propylene dichloride	((f))1,2-Dichloropropane((g))	78-87-5	4.0	C
Propylene glycol dinitrate		6423-43-4	1.1	B
Propylene glycol mono-methyl ether		107-98-2	2000	B
√Propylene oxide		75-56-9	0.27	A
√1,2-Propylene imine	((f))2-Methyl aziridine((g))	75-55-8	16	B
Pyrethrum		8003-34-7	1.7	B
Pyridine		110-86-1	53	B
√Quinoline		91-22-5	TBD	B
√Quinone	((f))1,4-Cyclohexadienedione((g))	106-51-4	1.5	B

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√Quintobenzene	((f))Pentachloronitrobenzene((g))	82-68-8	1.7	B
√Radionuclides (including radon)		81105*		
Resorcinol		108-46-3	150	B
Rhodium, insoluble compounds		7440-16-6	3.3	B
Rhodium, metals		7440-16-6	3.3	B
Rhodium, soluble compounds		7440-16-6	0.033	B
Ronnel		299-84-3	33	B
Rotenone		83-79-4	17	B
Rubber solvent	((f))Naphtha((g))	43102*	5300	B
√Selenium compounds, as Se		7782-49-2	0.67	B
√Selenium hexafluoride, as Se ((f))[selenium compound]((g))		7783-79-1	0.53	B
Sesone		136-78-7	33	B
Silicon tetrahydride		7803-62-5	22	B
Silver, metals		7440-22-4	0.33	B
Silver, soluble compounds, as Ag		7440-22-4	0.033	B
Sodium azide		26628-22-8	1.0	B
Sodium bisulfite		7631-90-5	17	B
Sodium fluoroacetate		62-74-8	0.17	B
Sodium hydroxide		1310-73-2	6.7	B
Sodium metabisulfite		7681-57-4	17	B
Stibine		7803-52-3	1.7	B
Strychnine		57-24-9	0.5	B
√Styrene		100-42-5	1000	B
√Styrene oxide		96-09-3	TBD	B
Subtilisins		1395-21-7	0.0002	B
Sulfotep		3689-24-5	0.67	B
Sulfur hexafluoride		2551-62-4	20000	B
Sulfur monochloride		10025-67-9	18	B
Sulfur pentafluoride		5714-22-7	0.33	B
Sulfur tetrafluoride		7783-60-0	1.5	B
Sulfuric acid		7664-93-9	3.3	B
Sulfuryl fluoride		2699-79-8	67	B
Sulprofos		35400-43-2	3.3	B
2,4,5-T		93-76-5	33	B
TEPP		107-49-3	0.16	B
Tantalum, metals & oxide dusts		7440-25-7	17	B
Tellurium & compounds as Te		13494-80-9	0.33	B
Tellurium hexafluoride, as Te		7783-80-4	0.33	B
Temephos		3383-96-8	33	B
Terphenyls		26140-60-3	16	B
P(p)(ααα) Tetra-chlorotoluene		5216-25-1	TBD	A
√2,3,7,8-Tetrachlorodibenzo-p-dioxin	((f))2,3,7,8-TCDD((g))	1746-01-6	0.0000003	A
1,1,2,2-Tetrachloro-1,2-difluoroethane		76-12-0	14000	B
1,1,1,2-Tetrachloro-2,2-difluoroethane		76-11-9	14000	B
√1,1,2,2-Tetrachloroethane		79-34-5	23	B
√Tetrachloroethylene	((f))Perchloroethylene((g))	127-18-4	1.1	A
Tetrachloronaphthalene		1335-88-2	6.7	B
√Tetraethyl lead, as Pb ((f))[lead compound]((g))		78-00-2	0.33	B
Tetrahydrofuran		109-99-9	2000	B
√Tetramethyl lead, as Pb ((f))[lead compound]((g))		75-74-1	0.5	B
Tetramethyl succinonitrile		3333-52-6	9.3	B
Tetranitromethane		509-14-8	27	B
Tetrasodium pyrophosphate		7722-88-5	17	B
Tetryl		479-45-8	5.0	B
Thallium, soluble compounds, Tl		7440-28-0	0.33	B
4,4-Thiobis(6-tert, butyl-m-cresol)		96-69-5	33	B

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4,4'-Thiodianiline		139-65-1	TBD	A
Thioglycolic acid		68-11-1	13	B
Thionyl chloride		7719-09-7	16	B
Thirum		137-26-8	3.3	B
Thorium dioxide		1314-20-1	TBD	A
Tin, metals		7440-31-5	6.7	B
Tin, organic compounds, as Sn		7440-31-5	0.33	B
Tin, oxide & inorganic except SnH <sub>4</sub>		7440-31-5	6.7	B
√Titanium tetrachloride		7550-45-0	TBD	B
√Toluene		108-88-3	400	B
√2,4-Toluene diamine	((f))2,4-Diamino toluene((g))	95-80-7	0.011	A
√2,4-Toluene diisocyanate	((f))TDI((g))	584-84-9	0.12	C
m-Toluidine		108-44-1	29	B
√o-Toluidine		95-53-4	0.14	A
o-Toluidine hydrochloride		636-21-5	0.14	A
p-Toluidine		106-49-0	29	B
√Toxaphene	((f))Chlorinated camphene((g))	8001-35-2	0.0031	A
Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl)) vinyl-1,3,4-oxadiazole		55738-54-0	TBD	A
Tributyl phosphate		126-73-8	7.3	B
1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane	DDT	50-29-3	0.01	A
1,1,2-Trichloro-1,2,2-trifluoroethane		76-13-1	27000	B
Trichloroacetic acid		76-03-9	22	B
√1,2,4-Trichlorobenzene		120-82-1	120	B
√1,1,1-Trichloroethane	((f))Methyl chloroform((g))	71-55-6	6400	B
√1,1,2-Trichloroethane		79-00-5	180	B
√Trichloroethylene		79-01-6	0.59	A
Trichlorofluoromethane		75-69-4	19000	B
Trichloronaphthalene		1321-65-9	17	B
√2,4,5-Trichlorophenol		95-95-4	TBD	B
√2,4,6-Trichlorophenol		88-06-2	0.32	A
1,2,3-Trichloropropane		96-18-4	200	B
√Triethylamine		121-44-8	7.0	B
Trifluorobromomethane		75-63-8	20000	B
√Trifluralin		1582-09-8	TBD	B
Trimellitic anhydride		552-30-7	0.13	B
Trimethyl benzene		2551-13-7	420	B
Trimethyl phosphite		121-45-9	33	B
Trimethylamine		75-50-3	80	B
√2,2,4-Trimethylpentane		540-84-1	TBD	B
2,4,6-Trinitrotoluene		118-96-7	1.7	B
Triorthocresyl phosphate		78-30-8	0.33	B
Triphenyl amine		603-34-9	17	B
Triphenyl phosphate		115-86-6	10	B
Tungsten, insoluble compounds		7440-33-7	17	B
Tungsten, soluble compounds		7440-33-7	3.3	B
Turpentine		8006-64-2	1900	B
Uranium, insoluble & soluble		7440-61-1	0.67	B
√Urethan	((f))Ethyl carbamate((g))	51-79-6	TBD	B
VM & P Naphtha		8032-32-4	4600	B
n-Valeraldehyde		110-62-3	590	B
Vanadium, as V <sub>2</sub> O <sub>5</sub>		1314-62-1	0.17	B
√Vinyl acetate		108-05-4	200	B
√Vinyl bromide		593-60-2	73	B
√Vinyl chloride		75-01-4	0.012	A
Vinyl cyclohexene dioxide		106-87-6	200	B

Vinyl toluene		25013-15-4	800	B
√Vinylidene chloride	((€))1,1-Dichloroethylene((€))	75-35-4	67	B
Warfarin		81-81-2	0.33	B
Welding fumes		81108*	17	B
m-Xylene a,a'-diamine		1477-55-0	0.33	B
√Xylenes (m-,o-,p-isomers)		1330-20-7	1500	B
Xylidine		1300-73-8	8.3	B
Yttrium, metals and compounds as Y		7440-65-5	3.3	B
Zinc chloride fumes		7646-85-7	3.3	B
√Zinc chromates ((€))[chromium compound]((€))		13530-65-9	0.033	B
Zinc oxide, fumes		1314-13-2	17	B
Zirconium compounds, as Zr		7440-67-7	17	B

Acceptable Source Impact Level (ASIL) means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are 3 types of acceptable source impact levels:

			Averaging Time
Risk-Based	Type A	carcinogens	annual arithmetic mean
Threshold-Based	Type B	non-carcinogens	24-hour arithmetic mean
Special	Type C	carcinogens	24-hour arithmetic mean

TBD = To Be Determined

\*numbers assigned by Puget Sound Clean Air Agency, not Chemical Abstracts Service (CAS) registry numbers

√ = EPA 112(b) hazardous air pollutant (HAP)

*[italics]* = compounds that are the basis of listing the chemical as an EPA HAP

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Puget Sound Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 00-07-091**  
**PERMANENT RULES**  
**LIQUOR CONTROL BOARD**

[Filed March 15, 2000, 3:32 p.m.]

Date of Adoption: February 22, 2000.

Purpose: The Liquor Control Board is currently undergoing a review of all of its rule to make them clear and usable, per Governor Locke's Executive Order 97-02. Proposed chapter 314-02 WAC would replace other WACs and policies that outline the requirements for retail liquor licenses, such as restaurants, taverns, and grocery stores.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010, 66.24.120.

Adopted under notice filed as WSR 99-23-105 on November 17, 1999.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 314-02-010.

2. (3) Definitions. The definition of a "dedicated dining area" in subsection (3) was changed in order to remove the

reference to dance floors and counters with alcohol service. These issues will be covered in future rule making.

3. WAC 314-02-015 (1)(b)(c) What is a spirits, beer, and wine restaurant license? Technical changes were made to the description of the privileges allowed for this license by law. The previous text contained technical errors. Also a relevant statute is cited in the corrected version.

4. WAC 314-02-020(2) What are the fee categories for a spirits, beer, and wine restaurant license? The definition of a dedicated dining area cited in another proposed rule (WAC 314-02-010(3)) was added to this rule for clarity.

5. WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant? Two changes were made to this section: (1) For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer and/or wine restaurant. (2) The following language regarding the placement of barriers was removed from subsection (1), "...in such a way as to reasonably prevent authorized persons from entering the areas." The current board policy requiring barriers to be at least 42" in height will remain in effect pending future rule making.

6. WAC 314-02-030 Can a spirits, beer, and wine restaurant exclude persons under twenty-one years of age from the premises? Two changes were made to this section: (1) For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer and/or wine restaurant. (2) For clarity, language was added to explain how an existing licensee who allows persons under 21 years of age on their premises can apply to the Board to exclude such persons.

7. WAC 314-02-035 What are the food requirements for a spirits, beer, and wine restaurant license? Subsection(1) of this proposed rule was removed, which stated the premises must serve the complete meals outlined by law. The current rule regarding complete meals, WAC 314-16-190(1), will remain in effect pending future rule making.

8. WAC 314-02-045 What is a beer and/or wine restaurant license? Technical changes were made to the description of the privileges allowed for this license by law. The previous text contained technical errors.

9. WAC 314-02-050 What are the floor space requirements to obtain and maintain a beer and/or wine restaurant? Two changes were made to this section: (1) For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer

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and/or wine restaurant. (2) The following language regarding the requirements for barriers was removed from subsection (1), "...in such a way as to reasonably prevent authorized persons from entering the areas." The current board policy requiring barriers to be at least 42" in height will remain in effect pending future rule making.

10. WAC 314-02-055 Can a beer and/or wine restaurant exclude persons under twenty-one years of age from the dining area? For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer and/or wine restaurant.

11. WAC 314-02-065 What is a snack bar license? Technical changes were made to the description of the privileges allowed for this license by law. The previous text contained technical errors.

12. WAC 114-02-070 What is a tavern license? Technical changes were made to the description of the privileges allowed for this license by law. The previous text contained technical errors.

13. WAC 314-02-105 What is a beer and/or wine specialty store license? Language regarding the requirements for a beer and/or wine specialty store license to sample product on the premises was moved to the correct location. The previous version of the proposed rules implied that the requirements to sample product where the same requirements to hold the basic privileges of the license.

14. WAC 314-02-125(3) What types of activities on a licensed premises require notice to the board? Language was added to subsection(3) to clarify the definition of a "contest with patron participation."

15. WAC 314-02-130(2) What types of changes to a licensed premises require board approval? Language was changed in subsection(2) to clarify that licensees need to receive prior approval for any alteration that affects the premises' customer service area (as opposed to any alteration that affects the total size of the premises).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 24, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 24, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 24, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 13, 2000

Eugene Prince

Chair

## Chapter 314-02 WAC REQUIREMENTS FOR RETAIL LIQUOR LICENSEES

### NEW SECTION

**WAC 314-02-005 What is the purpose of chapter 314-02 WAC?** Chapter 314-02 WAC outlines the qualifications for the following liquor licenses and permits:

- (1) Spirits, beer, and wine restaurants;
- (2) Beer and/or wine restaurants;
- (3) Snack bars;
- (4) Taverns;
- (5) Motels;
- (6) Bed and breakfasts;
- (7) Nonprofit arts organizations;
- (8) Public houses;
- (9) Grocery stores;
- (10) Beer/wine specialty shops; and
- (11) Beer/wine gift delivery business.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

### NEW SECTION

**WAC 314-02-010 Definitions.** The following definitions are to clarify the purpose and intent of the rules and laws governing liquor licenses and permits. Additional definitions can be found in RCW 66.04.010.

(1) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(2) "Customer service area" means areas where food and/or liquor are normally sold and served to the public, i.e., lounges and dining areas. A banquet room is not considered a customer service area.

(3) "Dedicated dining area." In order for an area to qualify as a dedicated dining area, it must be a distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc.

(4) "Liquor" means beer, wine, or spirits (per RCW 66.04.010(19) - Definitions).

(5) "Lounge" means the portion of a restaurant used primarily for the preparation, sale, and service of beer, wine, or spirits. Persons under twenty-one years of age are not allowed in a lounge (see RCW 66.44.316 for information on employees and professional musicians under twenty-one years of age).

### NEW SECTION

**WAC 314-02-015 What is a spirits, beer, and wine restaurant license?** (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual serving for on-premises consumption;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; and

(c) Serve wine for on-premises consumption (see RCW 66.24.400 regarding patrons removing recorked wine from the premises).

(2) Per RCW 66.24.400, this license prohibits licensees from selling alcohol for off-premises consumption.

(3) All applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" is defined in RCW 66.24.410(2).

**NEW SECTION**

**WAC 314-02-020 What are the fee categories for a spirits, beer, and wine restaurant license?** (1) Per RCW 66.24.420, the annual fee for a spirits, beer, and wine restaurant license is graduated, as follows:

Amount of customer service area dedicated to dining	Annual fee
100%	\$1,000
50 - 99%	\$1,600
Less than 50%	\$2,000

(2) In order for an area to qualify as a dedicated dining area it must be a separate and distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc.

(3) The fee for a spirits, beer, and wine restaurant license outside of an incorporated city or town will be prorated according to the calendar quarters the licensee is open for business. This proration does not apply in the case of a suspension or revocation of the license.

(4) A duplicate license is required in order to sell liquor from more than one site on your property. These sites must be located on the same property and owned by the same licensee. The following types of businesses may apply for a duplicate license:

Type of Business	Annual fee per duplicate license
Airport terminal	25% of annual license fee
Civic center (such as a convention center)	\$10
Privately owned facility open to the public	\$20

**NEW SECTION**

**WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license?** (1) **Barriers** - Licensees must place identifiable barriers around areas that are restricted from persons under twenty-one years of age. "Minor prohibited" signs, as required by WAC 314-16-025, must be posted at each entrance to such areas.

(2) **Floor plans** - When applying for a license, the applicant must provide to the board's licensing and regulation division two copies of a detailed drawing of the entire premises. The drawing must:

- (a) Be drawn one foot to one-quarter-inch scale;

- (b) Have all rooms labeled according to their use; e.g., dining room, lounge, game room, kitchen, etc.; and

- (c) Have all barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

**NEW SECTION**

**WAC 314-02-030 Can a spirits, beer, and wine restaurant exclude persons under twenty-one years of age from the premises?** A spirits, beer, and wine restaurant licensee may exclude persons under twenty-one years of age from the entire premises at all times or at certain times as approved by the board.

(1) To exclude persons under twenty-one years of age from the entire licensed premises, the applicant or licensee must:

- (a) indicate during the liquor license application process that he/she does not wish to have persons under twenty-one years of age on the entire premises at any time; or

- (b) if already licensed as a spirits, beer, and wine restaurant that allows person under twenty-one years of age, the applicant may request permission from the board's licensing and regulation division to exclude persons under twenty-one years of age, per WAC 314-02-130.

(c) Spirits, beer, and wine restaurant licensees who exclude persons twenty-one years of age from the entire premises at all times must:

- (i) place the required barriers around dedicated dining areas (see WAC 314-02-025(1)); and

- (ii) meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(2) Restaurants that have less than fifteen percent of their total customer service area dedicated to dining must exclude persons under twenty-one years of age from the entire premises. The licensee must:

- (a) Pay the two thousand dollars annual license fee; and

- (b) Meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(3) To exclude persons under twenty-one years of age from the entire licensed premises during a portion of the day or week or on a one-time-only basis, the applicant or licensee must:

- (a) request permission from the board, see WAC 314-02-130(1); and

- (b) meet all other requirements of the license, including the food service requirements outlined in WAC 314-02-035.

(4) See WAC 314-16-025 regarding requirements for "minors prohibited" signage.

**NEW SECTION**

**WAC 314-02-035 What are the food requirements for a spirits, beer, and wine restaurant license?** (1) The restaurant must maintain the kitchen equipment necessary to prepare the complete meals required by RCW 66.24.410(2) and WAC 314-16-190.

(2) The complete meals must be prepared on the restaurant premises.

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(3) A chef or cook must be on duty while complete meals are offered.

(4) A menu must be available to customers that lists, at a minimum, the required complete meals.

(5) The food items required to maintain the menu must be on the restaurant premises. These items must be edible.

(6) Restaurants that have one hundred percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.

(7) Restaurants with less than one hundred percent dedicated dining area (restaurants in the one thousand six hundred dollar or two thousand dollar fee category) must maintain complete meal service for a minimum of five hours a day on any day liquor is served.

(a) Minimum food service, such as sandwiches, hamburgers, or fry orders, must be available outside of these hours.

(b) Snacks such as peanuts, popcorn, and chips do not qualify as minimum food service.

(8) The hours of complete meal service must be conspicuously posted on the premises or listed on the menu. If applicable, a statement that minimum food service is available outside of those hours must also be posted or listed on the menu.

**NEW SECTION**

**WAC 314-02-040 Can a hotel with a spirits, beer, and wine restaurant license sell liquor by the bottle to guests?** (1) RCW 66.24.400 allows a spirits, beer, and wine restaurant in a hotel or club with overnight sleeping accommodations to sell liquor by the bottle to registered guests. The hotel or club must be licensed as a "transient accommodation" under chapter 70.62 RCW.

(a) The licensee must verify that the person purchasing the liquor is a registered guest who is at least twenty-one years of age.

(b) The bottle of liquor may be consumed only in a guest, hospitality, or banquet room.

(c) Guests may remove any unused portion of the bottle of liquor from the premises.

(2) A spirits, beer, and wine restaurant in a hotel or club with overnight sleeping accommodations may sell liquor from honor bars, under the definitions and guidelines in WAC 314-02-080.

**NEW SECTION**

**WAC 314-02-045 What is a beer and/or wine restaurant license?** (1) Per RCW 66.24.320 and 66.24.354, this license allows a restaurant to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$200
(b) Serve wine for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked wine from the premises).	\$200

(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in subsection (c).
(e) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-115 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in subsection (c).

(2) All applicants for a beer and/or wine restaurant license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant, as defined in RCW 66.04.010(29).

(3) If a beer and/or wine restaurant's dedicated dining area comprises less than fifteen percent of the total customer service area, the premises must maintain a tavern license (see WAC 314-02-070 regarding the tavern license).

**NEW SECTION**

**WAC 314-02-050 What are the floor space requirements to obtain and maintain a beer and/or wine restaurant license?** (1) **Barriers** - Licensees must place barriers around areas that are restricted from persons under twenty-one years of age. These barriers must be at least 42" in height. "Minor prohibited" signs, as required by WAC 314-16-025, must be posted at each entrance to such areas.

(2) **Floor Plans** - The applicant must provide two copies of a detailed drawing of the entire premises to be licensed, to the board's licensing and regulation division. The drawing must:

(a) Have all rooms labeled according to their use; e.g., dining room, lounge, game room, kitchen, etc.; and

(b) Have all barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

**NEW SECTION**

**WAC 314-02-055 Can a beer and/or wine restaurant exclude persons under twenty-one years of age from the dining area?** (1) To exclude persons under twenty-one years of age from the dining area during a portion of the day or week or on a one-time-only basis, the applicant or licensee must request permission from the board (see WAC 314-02-130(1)).

(2) See WAC 314-16-025 regarding requirements for "minors prohibited" signage.

**NEW SECTION**

**WAC 314-02-060 What is a caterer's endorsement?** (1) A spirits, beer, and wine restaurant and a beer and/or wine restaurant applicant or licensee may apply for a caterer's

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endorsement, in order to extend the on-premises license privilege to allow the sale and service of liquor at approved locations other than the licensed premises. See RCW 66.24.420(6) and RCW 66.24.320(2) for more information about this endorsement.

(2) The annual fee for this endorsement is three hundred fifty dollars.

**NEW SECTION**

**WAC 314-02-065 What is a snack bar license?** (1) Per RCW 66.24.350, a snack bar license allows a licensee to serve beer by the opened bottle or can for on-premises consumption only.

(2) Snack bar licensees must have food available whenever beer is sold or served.

(3) The annual fee for this license is one hundred twenty-five dollars.

**NEW SECTION**

**WAC 314-02-070 What is a tavern license?** (1) Per RCW 66.24.330 and 66.24.354, this license allows a tavern to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$200
(b) Serve wine for on-premises consumption.	\$200
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in subsection (c).
(e) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-110 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in subsection (c).

(2) A tavern licensee may not allow persons under twenty-one years of age on the premises at any time (see RCW 66.44.316 for information regarding employees and professional musicians under twenty-one years of age).

**NEW SECTION**

**WAC 314-02-075 What is a motel license?** (1) Per RCW 66.24.540, a motel license allows a motel to:

(a) Sell liquor in locked honor bars in no more than one-half of its guest rooms, provided that:

(i) Rooms are rented to guests, at a minimum, on a daily rental basis; and

(ii) Each honor bar also contains snack food; and

(b) Provide beer and wine by the individual serving to overnight guests of the motel, without additional charge, for on-premises consumption at a specified regular date, time, and place (such as a hospitality room). Patrons may not self-serve during these functions.

(2) The motel must be licensed as a "transient accommodation" per chapter 70.62 RCW.

(3) The annual fee for this license is five hundred dollars.

**NEW SECTION**

**WAC 314-02-080 What are the requirements for a motel licensee or a hotel with a spirits, beer, and wine restaurant license to sell liquor in honor bars?** For the purposes of this chapter, an "honor bar" is a cabinet, box, cooler, or refrigerator in a guest room that can be opened only with a key, combination, magnetic card, or similar device. The following requirements apply to the use of an honor bar:

(1) The licensee must require proof of age before providing a guest access to an honor bar. The guest must sign a declaration, under penalty of perjury, verifying that:

(a) The guest is twenty-one years of age or older; and

(b) No one under twenty-one years of age will have access to the liquor in the honor bar.

(2) The honor bars must remain locked whenever the room is rented to a guest under twenty-one years of age.

(3) All liquor stored on the licensed premises must be either locked in an honor bar or locked in a secured liquor storage room.

(4) No person under twenty-one years of age may have access to the honor bars, liquor storage rooms, or keys, combinations, etc., to the locked honor bars or storage rooms.

(5) A honor bar or storage room may only be replenished during those hours when liquor may legally be sold (not between 2:00 a.m. and 6:00 a.m.), and only by employees who are twenty-one years of age or older. Beer and wine wholesalers may deliver, price, and stock product only in storage rooms.

(6) Liquor in honor bars may only be sold in individual containers in the following sizes:

(a) Spirits - not to exceed fifty milliliters;

(b) Beer - not to exceed twelve ounces; and

(c) Wine - not to exceed one hundred eighty-seven milliliters.

**NEW SECTION**

**WAC 314-02-085 What is a bed and breakfast permit?** (1) Per RCW 66.20.010(11), this permit allows a bed and breakfast lodging facility to serve beer or wine without charge to overnight guests, for consumption on the premises.

(2) RCW 66.20.010(11) defines a "bed and breakfast" as a hotel or similar facility offering from one to eight lodging units and breakfast to travelers or guests.

(3) The annual fee for this permit is seventy-five dollars.

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**NEW SECTION**

**WAC 314-02-090 What is a nonprofit arts organization license?** (1) Per RCW 66.24.495, this license allows a bona fide nonprofit organization to sell beer, wine, and spirits by the individual serving in conjunction with artistic or cultural exhibitions or performances.

(2) The nonprofit organization must be organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs for viewing by the general public. See RCW 66.24.495(2) for specific organizational requirements.

(3) The annual fee for this license is two hundred fifty dollars.

**NEW SECTION**

**WAC 314-02-095 What is a public house license?** (1) Per RCW 66.24.580, a public house licensee is allowed to:

(a) Manufacture between two hundred fifty gallons and two thousand four hundred barrels of beer on the premises per year;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; and

(c) Serve wine for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked wine from the premises).

(2) The annual fee for this license is one thousand dollars.

(3) If a public house licensee wishes to allow persons under twenty-one years of age on the premises, the licensee must meet the requirements of a beer and/or wine restaurant license, per WAC 314-02-045 and 314-02-050.

(4) Public house licensees may apply for a spirits, beer, and wine restaurant license, in order to sell spirits by the individual serving for on-premises consumption (see WAC 314-02-015).

**NEW SECTION**

**WAC 314-02-100 What is a grocery store license?** (1) Per RCW 66.24.360, a grocery store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is one hundred fifty dollars.

(3) In order to obtain and maintain a grocery store license, the premises must be stocked with an inventory of at least three thousand dollars wholesale value of food for human consumption, not including soft drinks, beer, or wine. This minimum inventory must be:

(a) stocked within the confines of the licensed premises; and

(b) maintained at the premises at all times the business is licensed, with the exception of:

(i) The beginning and closing inventory for seasonal operations; or

(ii) When the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) A grocery store licensee may sell beer in kegs or other containers holding at least four gallons and less than

five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

(5) A grocery store applicant or licensee may apply for an international exporter endorsement for five hundred dollars a year, which allows the sale of beer and wine for export to locations outside the United States.

**NEW SECTION**

**WAC 314-02-105 What is a beer and/or wine specialty store license?** (1) Per RCW 66.24.371, a beer and/or wine specialty store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is one hundred dollars.

(3) To obtain and maintain a beer and/or wine specialty store license, the premises must be stocked with an inventory of beer and/or wine in excess of three thousand dollars wholesale value. This inventory must be:

(a) Stocked within the confines of the licensed premises; and

(b) Maintained on the premises at all times the premises is licensed, with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) A beer and/or wine specialty store licensee may allow customers to sample beer and wine for the purpose of sales promotion, if the primary business is the sale of beer and/or wine at retail. A licensee's gross retail sales of beer and/or wine must exceed fifty percent of all gross sales for the entire business. Sampling may be conducted under the following conditions:

(a) Each sample must be two ounces or less;

(b) No more than four samples may be provided to a customer during any one visit to the premises; and

(c) No more than one sample of any single brand and type of beer or wine may be provided to a customer during any one visit to the premises.

(5) A beer and/or wine specialty store licensee may sell beer in kegs or other containers holding at least four gallons and less than five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

**NEW SECTION**

**WAC 314-02-110 What is a beer and/or wine gift delivery license?** (1) Per RCW 66.24.550, a beer and/or wine gift delivery license allows a business that is primarily engaged in the retail sale of gifts or flowers to deliver beer and/or wine in bottles or original packages. The beer or wine must be delivered in conjunction with the gifts or flowers.

(2) The annual fee for this license is seventy-five dollars.

(3) An applicant must meet the following requirements to obtain and maintain a beer and/or wine gift delivery license:

(a) The business must be primarily engaged in the retail sale of gifts or flowers. In order to determine that the business meets this qualification, the board may inspect an applicant's or licensee's inventory, sales figures, and business records.

(b) A beer and/or wine gift delivery licensee may not hold any other class of liquor license.

**NEW SECTION**

**WAC 314-02-115 What are the requirements for licensees that sell keg beer?** Per RCW 66.28.200 and 66.28.210, any licensee who sells beer for off-premises consumption in kegs or other containers holding four or more gallons of beer must:

(1) Require the purchaser to provide at least one piece of identification (see RCW 66.16.040 for acceptable forms of identification); and

(2) The licensee or employee and purchaser must fill out a keg registration form, provided by the board, which contains:

(a) The name and address of the purchaser;

(b) The type and number of the identification presented by the purchaser;

(c) The address where the beer will be consumed and the date on which it will be consumed; and

(d) A sworn statement, signed by the purchaser under penalty of perjury, that the purchaser:

(i) Is at least twenty-one years of age;

(ii) Will not allow persons under twenty-one years of age to consume the beer purchased;

(iii) Will not remove or obliterate the keg registration form affixed to the keg or allow it to be removed or obliterated; and

(iv) The address listed in (c) of this subsection is the true and correct address at which the beer will be consumed or physically located.

(3) It is the licensee's or employee's responsibility to distribute the properly completed keg registration form as follows:

(a) One copy to the purchaser;

(b) One copy affixed to the keg or container holding four gallons or more of beer, prior to it leaving the licensed premises; and

(c) One copy must be retained on the licensed premises for one year, available for inspection and copying by any law enforcement officer.

(4) Possession of a keg or other container which holds four gallons or more of beer without a properly completed keg registration form affixed to it, other than on the licensee's premises, will be a violation of this title.

**NEW SECTION**

**WAC 314-02-120 How do licensees get keg registration forms?** (1) The board will provide keg registration forms free-of-charge to licensees who hold a beer restaurant or tavern license in combination with an off-premises beer and/or wine endorsement.

(2) Licensees who hold only an off-premises beer and/or wine license must purchase the keg registration forms from their local board enforcement office for four dollars per book of twenty-five forms.

**NEW SECTION**

**WAC 314-02-125 What types of activities on a licensed premises require notice to the board?** Liquor licensees must notify their local enforcement office in writing at least forty-eight hours before conducting the following activities:

(1) Male/female dance reviews, subject to the provisions of WAC 314-16-125;

(2) Live boxing or wrestling;

(3) Contests or games where patrons are part of the entertainment; and

(4) Hours of operation in between 2:00 a.m. and 6:00 a.m. for licensees that sell liquor for on-premises consumption.

**NEW SECTION**

**WAC 314-02-130 What types of changes to a licensed premises require board approval?** The following changes to a licensed premises require prior board approval, by submitting a form provided by the board's licensing and regulation division:

Type of alteration	Approval process and timeline
<p>(1)</p> <ul style="list-style-type: none"> <li>• excluding persons under twenty-one years of age from a spirits, beer, and wine restaurant;</li> <li>• excluding persons under twenty-one years of age from the dining area of a beer and/or wine restaurant;</li> <li>• reclassifying a lounge as open to persons under twenty-one years of age;</li> <li>• extending the location of alcohol service, such as a beer garden or patio/deck service (areas must be enclosed with a barrier a minimum of forty-two inches in height);</li> <li>• storing liquor off of the licensed premises;</li> <li>• initiating room service in a hotel or motel when the restaurant is not connected to the hotel or motel;</li> <li>• installing a pass-through window for walk-up customers; and</li> </ul>	<p>(a) The board's licensing and regulation division will respond to the request for alteration within five business days.</p> <p>(b) The licensee may begin liquor service in conjunction with the alteration as soon as approval is received.</p> <p>(c) Board approval will be based on the alteration meeting the requirements outlined in this title.</p>

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<ul style="list-style-type: none"> <li>• using a licensed premises as an access to another business.</li> </ul> <p>(2)</p> <ul style="list-style-type: none"> <li>• any alteration that affects the size of a premises' customer service area.</li> </ul>	<p>(a) The board's licensing and regulation division will respond to the licensee's request for alteration within five business days.</p> <p>(b) The licensee must contact their local liquor control agent when the alteration is completed.</p> <p>(c) The licensee may begin liquor service in conjunction with the alteration after the completed alteration is inspected by the liquor control agent.</p> <p>(d) Board approval will be based on the alteration meeting the requirements outlined in this title.</p>
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Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: May 1, 2000.

March 22, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-416-0015 Certification periods for categorically needy (CN) ~~((programs))~~ medical and children's health insurance program (CHIP).** (1) ~~((Eligibility for))~~ A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical ~~((assistance))~~ program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application ~~((Eligibility ends on))~~ and continues to the last day of the last month of the certification period.

~~(2) ((TANF/SFA related, and SSI-related CN medical are each certified for twelve months.~~

~~(3) The pregnant women's program is certified through the end of the month which includes the sixtieth day from the day the pregnancy ends.~~

~~(4) The children's medical program is certified for twelve months or through the end of the month the child turns nineteen, whichever is earlier. This period can be extended when:~~

~~(a) The child is receiving inpatient services on the last day of the month when the child turns nineteen; and~~

~~(b) The inpatient stay continues into the following month or months; and~~

~~(c) The child remains eligible except for exceeding the age requirement.~~

~~(5))~~ For a child eligible for the newborn medical program ~~((is certified)), the certification period begins on the child's date of birth and continues through the end of the month ~~((that the newborn turns one year old))~~ of the child's first birthday.~~

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families, children, and SSI-related persons, the certification period is twelve months. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

- (a) Approved application for cash or food assistance; or
- (b) Completed eligibility review.

**WSR 00-08-002**

**PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed March 22, 2000, 3:53 p.m., effective May 1, 2000.]

Date of Adoption: March 22, 2000.

Purpose: Adds language concerning the implementation of the children's health insurance program and has been rewritten to comply with the principles of Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0015 and 388-418-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Other Authority: RCW 74.09.450.

Adopted under notice filed as WSR 00-04-045 on January 27, 2000.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-416-0015, added subsection (9)(c) concerning certification start date for a child with creditable coverage in the month of application. WAC 388-418-0025(1), added language to ensure a client remains eligible for Medicaid during the redetermination process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

(5) When the child turns nineteen the certification period ends even if the twelve-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

(a) The child is receiving inpatient services on the last day of the month the child turns nineteen;

(b) The inpatient stay continues into the following month or months; and

(c) The child remains eligible except for exceeding age nineteen.

(6) ~~((The))~~ A retroactive certification period can begin up to three months immediately ~~((prior to))~~ before the month of application when:

(a) The client would have been eligible for medical assistance ~~((had))~~ if the client had applied; and

(b) The client received covered medical services ~~((which are covered by DSHS;))~~ as described in WAC 388-529-0100 ~~((; and~~

~~((e)))~~.

(7) If ~~((eligibility))~~ the client is eligible only ~~((for a))~~ during the three-month retroactive period, that period is the only period of certification.

~~((7))~~ (8) Any months of a retroactive certification period are added to the designated certification periods described in this section.

~~((8) Medical assistance is continued until eligibility is redetermined as described in chapter 388-418 WAC))~~

(9) For a child determined eligible for CHIP medical benefits as described in chapter 388-542 WAC:

(a) The certification periods are described in subsections (1), (4), and (5) of this section;

(b) There is not a retroactive eligibility period as described in subsections (6), (7), and (8); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

(i) All other CHIP eligibility factors are met; and

(ii) An eligibility decision is made per WAC 388-406-0035.

**AMENDATORY SECTION** (Amending WSR 99-10-064, filed 5/3/99, effective 6/3/99)

**WAC 388-418-0025 Effect of changes on medical program eligibility.** (1) A client continues to ~~((receive))~~ be eligible for Medicaid until the department determines the client's ineligibility or eligibility ~~((or ineligibility))~~ for another medical program. This applies to a client who, during a certification period, becomes ineligible for, is terminated from, or requests termination from:

(a) A CN Medicaid program or SFA-related medical program; or

(b) Any of the following cash grants:

(i) TANF or SFA;

(ii) SSI;

(iii) GA-H; or

(iv) GA-X. See WAC 388-434-0005 for changes reported during eligibility review.

(2) A child remains continuously eligible for medical benefits for a period of twelve months from the date of certification for medical benefits or last review, whichever is later. This applies unless the child:

(a) Moves out of state;

(b) Loses contact with the department or the department does not know the child's whereabouts;

(c) Turns eighteen years of age if receiving children's health program benefits;

(d) Turns nineteen years of age if receiving children's CN or CN scope of care program benefits; ~~((or))~~

(e) Dies; or

(f) Receives benefits under the children's health insurance program (CHIP) and:

(i) Does not pay health insurance premiums for four consecutive months; or

(ii) Is determined to have had creditable coverage at the time of application. Refer to chapter 388-542 WAC.

(3) When a client becomes ineligible for refugee cash assistance, refugee medical assistance can be continued only through the eight-month limit, as described in WAC 388-400-0035(6).

(4) A client receiving benefits under a TANF or SFA cash grant or related medical program is eligible for a medical extension, as described under WAC 388-523-0100, when the client's cash grant or related medical program is terminated as a result of:

(a) Earned income; or

(b) Collection of child or spousal support.

(5) A change in income during a certification period does not affect eligibility for:

(a) Pregnant women's medical programs; or

(b) The first six months of the TANF/SFA-related medical extension.

(6) For a child receiving benefits under CHIP as described in chapter 388-542 WAC, the department must redetermine eligibility for a Medicaid program when the family reports:

(a) Family income has decreased to less than two hundred percent FPL;

(b) The child becomes pregnant;

(c) A change in family size; or

(d) The child receives SSI.

**WSR 00-08-007**

**PERMANENT RULES**

**YAKIMA REGIONAL**

**CLEAN AIR AUTHORITY**

[Filed March 23, 2000, 8:47 a.m., effective May 1, 2000]

Date of Adoption: March 8, 2000.

Purpose: To enable the authority to assist the citizens, jurisdictions, and businesses of Yakima County to restore and maintain air quality which conforms to applicable air quality standards with minimal community disruption.

Citation of Existing Rules Affected by this Order: Repealing Restated Regulation I of the Yakima County Clean Air Authority.

PERMANENT

Statutory Authority for Adoption: Chapter 70.94 RCW.  
Adopted under notice filed as WSR 00-02-034 on December 29, 1999.

Changes Other than Editing from Proposed to Adopted Version: The enclosed public comment, staff response and changes, and the staff comments responses and changes documents show all the changes made in the text from the text printed in the February 16, 2000 WSR. These changes are all considered nonsubstantive by the authority, board, and legal counsel.

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-10 issue of the Register.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 34, Amended 0, Repealed 48.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 34, Amended 0, Repealed 48.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2000.

March 21, 2000

Les Ornelas

Air Pollution Control Officer

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-10 issue of the Register.

### WSR 00-08-013

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

[Filed March 24, 2000, 11:02 a.m.]

Date of Adoption: March 15, 2000.

Purpose: These regulations significantly update requirements for industrial radiographic operations (chapter 246-243 WAC and WAC 246-235-084), clarify the requirements for determining prior occupational dose (WAC 246-221-020), break up a long section into three smaller sections (WAC 246-235-080, 246-235-084, and 246-235-086), and correct cross referencing all to bring radiation protection regulations into conformance with the United States Nuclear Regulatory Commission rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-243-210; and amending WAC 246-220-007, 246-220-010, 246-221-020, 246-235-080, 246-235-090, 246-243-020, 246-243-030, 246-243-050, 246-243-060, 246-243-080, 246-243-090, 246-243-100, 246-243-110, 246-243-120, 246-243-130, 246-243-140, 246-243-150, 246-243-

160, 246-243-170, 246-243-180, 246-243-190, 246-243-195, 246-243-200, 246-243-220, 246-243-230, 246-254-150, 246-252-001, and 246-252-030.

Statutory Authority for Adoption: RCW 70.98.050.

Adopted under notice filed as WSR 00-04-088 on February 2, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 8, Amended 28, Repealed 1; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 8, Amended 28, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

March 23, 2000

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending Order 208, filed 10/29/91, effective 11/29/91)

**WAC 246-254-150 Fees for perpetual care and maintenance.** (1) Persons with licenses specifically authorizing the receipt, possession, or use of natural uranium and its decay daughters for the extraction of uranium or thorium compounds or for the reclamation and disposal of the associated tailings or waste shall:

(a) Make quarterly payments of twenty cents per kilogram of uranium or thorium compound milled out of the raw ore;

(b) Remit this payment within thirty days after the end of each calendar quarter; and

(c) Pay to the department a minimum of two hundred fifty thousand dollars (1978 dollars) to cover the costs of long-term surveillance prior to the termination of a uranium or thorium mill license.

(2) Licensees under this section may make additional payments to meet the minimum, prior to the release of any surety arranged by the licensee in accordance with WAC ((246-235-080-(6)(d))) 246-235-086(4).

AMENDATORY SECTION (Amending Order 187, filed 8/7/91, effective 9/7/91)

**WAC 246-252-001 Reclamation and decommissioning.** A specific plan for reclamation and disposal of tailings and for decommissioning the site of uranium or thorium milling operations shall be included as part of the proposed action assessed under SEPA regulations and guidelines as required by WAC ((246-235-080-(6)(a))) 246-235-086(1) for licens-

ing of environmentally significant operations. For any uranium or thorium mill in operation on or before the effective date of this regulation for which a plan for reclamation and disposal of tailings and decommissioning of the site has not been submitted and assessed, such a plan must be submitted to the department and a final environmental impact statement or final declaration of nonsignificance must accompany or precede the license renewal.

AMENDATORY SECTION (Amending WSR 97-13-055, filed 6/16/97, effective 7/17/97)

**WAC 246-252-030 Criteria related to disposition of uranium mill tailings or wastes.** As used in this section, the term "as low as reasonably achievable" has the same meaning as in WAC 246-220-007. The term by-product material means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

As required by WAC 246-235-110(6), each applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or by-product material at sites formerly associated with such milling, is required to include in a license application proposed specifications relating to the milling operation and the disposition of tailings or waste resulting from such milling activities. This section establishes criteria relating to the siting, operation, decontamination, decommissioning, and reclamation of mills and tailings or waste systems and sites at which such mills and systems are located and site and by-product material ownership. Applications must clearly demonstrate how these criteria have been addressed. The specifications shall be developed considering the expected full capacity of tailings or waste systems and the lifetime of mill operations. Where later expansions of systems or operations may be likely, the amenability of the disposal system to accommodate increased capacities without degradation in long-term stability and other performance factors shall be evaluated.

Licensees or applicants may propose alternatives to the specific requirements in these criteria. The alternative proposals may take into account local or regional conditions, including geology, topography, hydrology, and meteorology. The department may find that the proposed alternatives meet the department's requirements if the alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with the sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the requirements of the standards promulgated by the United States Environmental Protection Agency in 40 CFR 192, Subparts D and E.

(1) Criterion 1 - In selecting among alternative tailings disposal sites or judging the adequacy of existing tailings sites, the following site features which would contribute to meeting the broad objective of permanent isolation of the tailings and associated contaminants from man and the environment for one thousand years to the extent reasonably achievable, and in any case, for at least two hundred years without ongoing active maintenance shall be considered:

(a) Remoteness from populated areas;

(b) Hydrogeologic and other environmental conditions conducive to continued immobilization and isolation of contaminants from groundwater sources; and

(c) Potential for minimizing erosion, disturbance, and dispersion by natural forces over the long term.

The site selection process must be an optimization to the maximum extent reasonably achievable in terms of these features.

In the selection of disposal sites, primary emphasis shall be given to isolation of tailings or wastes, a matter having long-term impacts, as opposed to consideration only of short-term convenience or benefits, such as minimization of transportation or land acquisition costs. While isolation of tailings will be a function of both site characteristics and engineering design, overriding consideration shall be given to siting features given the long-term nature of the tailings hazards.

Tailings shall be disposed in a manner such that no active maintenance is required to preserve the condition of the site.

(2) Criterion 2 - To avoid proliferation of small waste disposal sites, by-product material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote above ground extraction operations shall be disposed at existing large mill tailings disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity and the costs and environmental impacts of transporting the wastes to a large disposal site, such offsite disposal is demonstrated to be impracticable or the advantage of onsite burial clearly outweighs the benefits of reducing the perpetual surveillance obligations.

(3) Criterion 3 - The "prime option" for disposal of tailings is placement below grade, either in mines or specially excavated pits (that is, where the need for any specially constructed retention structure is eliminated).

The evaluation of alternative sites and disposal methods performed by mill operators in support of their proposed tailings disposal program (provided in applicants' environmental reports) shall reflect serious consideration of this disposal mode. In some instances, below grade disposal may not be the most environmentally sound approach, such as might be the case if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Also, geologic and topographic conditions might make full, below grade burial impracticable; for example, near-surface bedrock could create prominent excavation costs while more suitable alternate sites may be available. Where full below grade burial is not practicable, the size of the retention structures, and the size and steepness of slopes of associated exposed embankments, shall be minimized by excavation to the maximum extent reasonably achievable or appropriate, given the geologic and hydrogeologic conditions at a site. In these cases, it must be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) Criterion 4 - The following site and design criteria shall be adhered to whether tailings or wastes are disposed of above or below grade:

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(a) Upstream rainfall catchment areas must be minimized to decrease erosion potential and the size of the probable maximum flood which could erode or wash out sections of the tailings disposal area.

(b) Topographic features shall provide good wind protection.

(c) Embankment and cover slopes shall be relatively flat after final stabilization to minimize erosion potential and to provide conservative factors of safety assuring long-term stability. The broad objective should be to contour final slopes to grades which are as close as possible to those which would be provided if tailings were disposed of below grade; this could, for example, lead to slopes of about ten horizontal to one vertical (10h:1v) or less steep. In general, slopes should not be steeper than about 5h:1v. Where steeper slopes are proposed, reasons why a slope less steep than 5h:1v would be impracticable should be provided, and compensating factors and conditions which make such slopes acceptable should be identified.

(d) A fully self-sustaining vegetative cover shall be established or rock cover employed to reduce wind and water erosion to negligible levels.

Where a full vegetative cover is not likely to be self-sustaining due to climatic conditions, such as in semi-arid and arid regions, rock cover shall be employed on slopes of the impoundment system. The NRC will consider relaxing this requirement for extremely gentle slopes such as those which may exist on the top of the pile.

The following factors shall be considered in establishing the final rock cover design to avoid displacement of rock particles by human and animal traffic or by natural processes, and to preclude undercutting and piping:

(i) Shape, size, composition, gradation of rock particles (excepting bedding material, average particle size shall be at least cobble size or greater);

(ii) Rock cover thickness and zoning of particles by size; and

(iii) Steepness of underlying slopes.

(e) Individual rock fragments shall be dense, sound, and resistant to abrasion, and free from defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used. Shale, rock laminated with shale, and cherts shall not be used.

Rock covering of slopes may not be required where top covers are on the order of ten meters or greater; impoundment slopes are on the order of 10h:1v or less; bulk cover materials have inherently favorable erosion resistance characteristics; and there is negligible drainage catchment area upstream of the pile, and there is good wind protection as described in (a) and (b) of this subsection.

(f) Impoundment surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with substantial rock cover (riprap). In addition to providing for stability of the impoundment systems itself, the overall stability, erosion potential, and geomorphology of surrounding terrain shall be evaluated to assure that there are no processes, such as gully erosion, which would lead to impoundment instability.

(g) The impoundment shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the impoundment could reasonably be expected to withstand. As used in this criterion, the term "capable fault" has the same meaning as defined in Section III (g) of Appendix A of 10 CFR Part 100. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.

(h) The impoundment, where feasible, should be designed to incorporate features which will promote deposition of suspended particles. For example, design features which promote deposition of sediment suspended in any runoff which flows into the impoundment area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

(5) Criterion 5 - Criteria 5(a) through 5(g) and new Criterion 13 incorporate the basic groundwater protection standards imposed by the United States Environmental Protection Agency in 40 CFR Part 192, Subparts D and E (48 FR 45926; October 7, 1983) which apply during operations and prior to the end of closure. Groundwater monitoring to comply with these standards is required by Criterion 7.

(a) The primary groundwater protection standard is a design standard for surface impoundments used to manage uranium and thorium by-product material. Surface impoundments (except for an existing portion) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil, groundwater, or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil, groundwater, or surface water) during the active life of the facility, provided that impoundment closure includes removal or decontamination of all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate. For impoundments that will be closed with the liner material left in place, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility.

(b) The liner required by (a) of this subsection must be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(iii) Installed to cover all surrounding earth likely to be in contact with the wastes or leachate.

(c) The applicant or licensee will be exempted from the requirements of (a) of this subsection if the department finds, based on a demonstration by the applicant or licensee, that alternate design and operating practices, including the closure plan, together with site characteristics will prevent the migration of any hazardous constituents into groundwater or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

- (i) The nature and quantity of the wastes;
- (ii) The proposed alternate design and operation;
- (iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

(d) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave actions; rainfall; run-on; from malfunctions of level controllers, alarms, and other equipment; and human error.

(e) When dikes are used to form the surface impoundment, the dikes must be designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the impoundment.

(f) Uranium and thorium by-product materials must be managed to conform to the following secondary groundwater protection standard: Hazardous constituents entering the groundwater from a licensed site must not exceed the specified concentration limits in the uppermost aquifer beyond the point of compliance during the compliance period. Hazardous constituents are those constituents identified by the department pursuant to (g) of this subsection. Specified concentration limits are those limits established by the department as indicated in (j) of this subsection. The department will also establish the point of compliance and compliance period on a site specific basis through license conditions and orders. The objective in selecting the point of compliance is to provide the earliest practicable warning that the impoundment is releasing hazardous constituents to the groundwater. The point of compliance must be selected to provide prompt indication of groundwater contamination on the hydraulically downgradient edge of the disposal area. The department must identify hazardous constituents, establish concentration limits, set the compliance period, and adjust the point of compliance, if needed, when the detection monitoring established under criterion 7 indicates leakage of hazardous constituents from the disposal area.

(g) A constituent becomes a hazardous constituent subject to (j) of this subsection when the constituent:

- (i) Is reasonably expected to be in or derived from the by-product material in the disposal area;
- (ii) Has been detected in the groundwater in the uppermost aquifer; and
- (iii) Is listed in WAC 246-252-050 Appendix A.

(h) The department may exclude a detected constituent from the set of hazardous constituents on a site specific basis if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to exclude constituents, the department will consider the following:

(i) Potential adverse effect on groundwater quality, considering —

(A) The physical and chemical characteristics of the waste in the licensed site, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(i) In making any determinations under (h) and (k) of this subsection about the use of groundwater in the area around the facility, the department will consider any identification of underground sources of drinking water and exempted aquifers made by the United States Environmental Protection Agency.

(j) At the point of compliance, the concentration of a hazardous constituent must not exceed —

(i) The department approved background concentration of that constituent in the groundwater;

(ii) The respective value given in the table in subsection (5)(l) of this section if the constituent is listed in the table and if the background level of the constituent is below the value listed; or

(iii) An alternate concentration limit established by the department.

(k) Conceptually, background concentrations pose no incremental hazards and the drinking water limits in (j)(i) of this subsection state acceptable hazards but these two options may not be practically achievable at a specific site. Alternate concentration limits that present no significant hazard may be proposed by licensees for department consideration. Licensees must provide the basis for any proposed limits including consideration of practicable corrective actions, that limits are as low as reasonably achievable, and information on the factors the department must consider.

The department will establish a site specific alternate concentration limit for a hazardous constituent as provided in (j) of this subsection if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will apply its as low as reasonably achievable criterion in this chapter. The department will also consider the following factors:

(i) Potential adverse effects on groundwater quality, considering —

(A) The physical and chemical characteristics of the waste in the licensed site including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of groundwater and the direction of groundwater flow;

(D) The proximity and withdrawal rates of groundwater users;

(E) The current and future uses of groundwater in the area;

(F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(I) The persistence and permanence of the potential adverse effects.

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering —

(A) The volume and physical and chemical characteristics of the waste in the licensed site;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of groundwater, and the direction of groundwater flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the licensed site to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects.

(l) MAXIMUM VALUES FOR GROUNDWATER PROTECTION:

Constituent or Property	Maximum Concentration
	Milligrams per liter
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin (1,2,3,4,10,10-hexachloro-1,7 -epoxy-1,4,4a,5,6,7,8,9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene).	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer).	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis(p-methoxyphenylethane).	0.1
Toxaphene (C <sub>10</sub> H <sub>10</sub> Cl <sub>6</sub> , Technical chlorinated camphene, 67-69 percent chlorine).	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid).	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid).	0.01
	Picocuries per liter
Combined radium - 226 and radium - 228.	5
Gross alpha - particle activity (excluding radon and uranium when producing uranium by-product material or thorium when producing thorium by-product material).	15

(m) If the groundwater protection standards established under (f) of this subsection are exceeded at a licensed site, a corrective action program must be put into operation as soon as is practicable, and in no event later than eighteen months after the department finds that the standards have been exceeded. The licensee shall submit the proposed corrective action program and supporting rationale for department approval prior to putting the program into operation, unless otherwise directed by the department. The objective of the program is to return hazardous constituent concentration levels in groundwater to the concentration limits set as standards. The licensee's proposed program must address remov-

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ing the hazardous constituents that have entered the groundwater at the point of compliance or treating them in place. The program must also address removing or treating in place any hazardous constituents that exceed concentration limits in groundwater between the point of compliance and the downgradient facility property boundary. The licensee shall continue corrective action measures to the extent necessary to achieve and maintain compliance with the groundwater protection standard. The department will determine when the licensee may terminate corrective action measures based on data from the groundwater monitoring program and other information that provide reasonable assurance that the groundwater protection standard will not be exceeded.

(n) In developing and conducting groundwater protection programs, applicants and licensees shall also consider the following:

(i) Installation of bottom liners (where synthetic liners are used, a leakage detection system must be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwater monitoring program conducted as provided in Criterion 7. Where clay liners are proposed or relatively thin, in-situ clay soils are to be relied upon for seepage control, tests must be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests must be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases deterioration has been observed to occur rather rapidly after about nine months of exposure)).

(ii) Mill process designs which provide the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(iii) Dewatering of tailings by process devices and/or in-situ drainage systems (at new sites, tailings must be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the driving head of seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom must be graded to assure that the drains are at a low point. The drains must be protected by suitable filter materials to assure that drains remain free running. The drainage system must also be adequately sized to assure good drainage).

(iv) Neutralization to promote immobilization of hazardous constituents.

(o) Where groundwater impacts are occurring at an existing site due to seepage, action must be taken to alleviate conditions that lead to excessive seepage impacts and restore groundwater quality. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications must be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or scientist, must be established to assure the specifications are met.

(p) In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(i) The chemical and radioactive characteristics of the waste solutions.

(ii) The characteristics of the underlying soil and geologic formations particularly as they will control transport of contaminants and solutions. This includes detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations must be determined. This information must be gathered from borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate to groundwater. The information gathered on boreholes must include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining significant discontinuities, fractures, and channeled deposits of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability may not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) must be conducted to assure actual field properties are adequately understood. Testing must be conducted to allow estimating chemi-sorption attenuation properties of underlying soil and rock.

(iii) Location, extent, quality, capacity and current uses of any groundwater at and near the site.

(q) Steps must be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining and/or compaction of ore storage areas.

(6) Criterion 6 - (a) In disposing of waste by-product material, licensees shall place an earthen cover (or approved alternative) over tailings or wastes at the end of milling operations and shall close the waste disposal area in accordance with a design<sup>1</sup> which provides reasonable assurance of control of radiological hazards to:

(i) Be effective for 1,000 years, to the extent reasonably achievable, and, in any case, for at least 200 years; and

(ii) Limit releases of Radon-222 from uranium by-product materials, and Radon-220 from thorium by-product materials, to the atmosphere so as not to exceed an average<sup>2</sup> release rate of 20 picocuries per square meter per second (pCi/m<sup>2</sup>s) to the extent practicable throughout the effective design life determined pursuant to (a)(i) of this subsection (this criterion). In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances may not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer may not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed as cover materials, it must be demonstrated that these materials will not crack or degrade by differential settlement, weathering, or other mechanism, over long-term intervals.

(b) As soon as reasonably achievable after emplacement of the final cover to limit releases of Radon-222 from uranium by-product material and prior to placement of erosion protection barriers or other features necessary for long-term control of the tailings, the licensees shall verify through

appropriate testing and analysis that the design and construction of the final radon barrier is effective in limiting releases of Radon-222 to a level not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire pile or impoundment using the procedures described in 40 CFR part 61, appendix B, Method 115, or another method of verification approved by the Nuclear Regulatory Commission as being at least as effective in demonstrating the effectiveness of the final radon barrier.

(c) When phased emplacement of the final radon barrier is included in the applicable reclamation plan, the verification of Radon-222 release rates required in (b) of this subsection (this criterion) must be conducted for each portion of the pile or impoundment as the final radon barrier for that portion is emplaced.

(d) Within ninety days of the completion of all testing and analysis relevant to the required verification in (b) and (c) of this subsection (this criterion), the uranium mill licensee shall report to the department the results detailing the actions taken to verify that levels of release of Radon-222 do not exceed 20 pCi/m<sup>2</sup>s when averaged over the entire pile or impoundment. The licensee shall maintain records until termination of the license documenting the source of input parameters including the results of all measurements on which they are based, the calculations and/or analytical methods used to derive values for input parameters, and the procedure used to determine compliance. These records shall be kept in a form suitable for transfer to the custodial agency at the time of transfer of the site to DOE or a state for long-term care if requested.

(e) Near surface cover materials (i.e., within the top three meters) may not include waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils. This is to ensure that surface radon exhalation is not significantly above background because of the cover material itself.

(f) The design requirements in this criterion for longevity and control of radon releases apply to any portion of a licensed and/or disposal site unless such portion contains a concentration of radium in land, averaged over areas of 100 square meters, which, as a result of by-product material, does not exceed the background level by more than:

(i) 5 picocuries per gram (pCi/g) of radium-226, or, in the case of thorium by-product material, radium-228, averaged over the first 15 centimeters (cm) below the surface; and

(ii) 15 pCi/g of radium-226, or, in the case of thorium by-product material, radium-228, averaged over 15-cm thick layers more than 15 cm below the surface.

(g) The licensee shall also address the nonradiological hazards associated with the wastes in planning and implementing closure. The licensee shall ensure that disposal areas are closed in a manner that minimizes the need for further maintenance. To the extent necessary to prevent threats to human health and the environment, the licensee shall control, minimize, or eliminate post-closure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to the ground or surface waters or to the atmosphere.

<sup>1</sup> In the case of thorium by-product materials, the standard applies only to design. Monitoring for radon emissions from thorium by-product materials after installation of an appropriately designed cover is not required.

<sup>2</sup> This average applies to the entire surface of each disposal area over a period of at least one year, but a period short compared to 100 years. Radon will come from both by-product materials and from covering materials. Radon emissions from covering materials should be estimated as part of developing a closure plan for each site. The standard, however, applies only to emissions from by-product materials to the atmosphere.

Criterion 6A - (a) For impoundments containing uranium by-product materials, the final radon barrier must be completed as expeditiously as practicable considering technological feasibility after the pile or impoundment ceases operation in accordance with a written, department-approved reclamation plan. (The term as expeditiously as practicable considering technological feasibility as specifically defined in WAC 246-252-010 includes factors beyond the control of the licensee.) Deadlines for completion of the final radon barrier and, if applicable, the following interim milestones must be established as a condition of the individual license: Windblown tailings retrieval and placement on the pile and interim stabilization (including dewatering or the removal of freestanding liquids and recontouring). The placement of erosion protection barriers or other features necessary for long-term control of the tailings must also be completed in a timely manner in accordance with a written, approved reclamation plan.

(b) The department may approve a licensee's request to extend the time for performance of milestones related to emplacement of the final radon barrier if, after providing an opportunity for public participation, the department finds that the licensee has adequately demonstrated in the manner required in subsection (6)(b) of this section (Criterion 6) that releases of Radon-222 do not exceed an average of 20 pCi/m<sup>2</sup>s. If the delay is approved on the basis that the radon releases do not exceed 20 pCi/m<sup>2</sup>s, a verification of radon levels, as required by subsection (6)(b) of this section (Criterion 6), must be made annually during the period of delay. In addition, once the department has established the date in the reclamation plan for the milestone for completion of the final radon barrier, the department may extend that date based on cost if, after providing an opportunity for public participation, the department finds that the licensee is making good faith efforts to emplace the final radon barrier, the delay is consistent with the definitions of available technology, and the radon releases caused by the delay will not result in a significant incremental risk to the public health.

(c) The department may authorize by license amendment, upon licensee request, a portion of the impoundment to accept uranium by-product material or such materials that are similar in physical, chemical, and radiological characteristics to the uranium mill tailings and associated wastes already in the pile or impoundment from other sources, during the closure process. No such authorization will be made if it results in a delay or impediment to emplacement of the final radon barrier over the remainder of the impoundment in a manner that will achieve levels of Radon-222 releases not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire impoundment. The verification required in subsection (6)(b) of this section (Crite-

tion 6) may be completed with a portion of the impoundment being used for further disposal if the department makes a final finding that the impoundment will continue to achieve a level of Radon-222 releases not exceeding 20 pCi/m<sup>2</sup>s averaged over the entire impoundment. In this case, after the final radon barrier is complete except for the continuing disposal area:

- (i) Only by-product material will be authorized for disposal;
- (ii) The disposal will be limited to the specified existing disposal area; and
- (iii) This authorization will only be made after providing opportunity for public participation.

Reclamation of the disposal area, as appropriate, must be completed in a timely manner after disposal operations cease in accordance with subsection (6)(a) of this section (Criterion 6); however, these actions are not required to be complete as part of meeting the deadline for final radon barrier construction.

(7) Criterion 7 - At least one full year prior to any major site construction, a preoperational monitoring program must be conducted to provide complete baseline data on a milling site and its environs. Throughout the construction and operating phases of the mill, an operational monitoring program must be conducted to complete the following:

- (a) To measure or evaluate compliance with applicable standards and regulations;
- (b) To evaluate performance of control systems and procedures;
- (c) To evaluate environmental impacts of operation; and
- (d) To detect potential long-term effects.

The licensee shall establish a detection monitoring program needed for the department to set the site-specific groundwater protection standards in Criterion 5 of this section. For all monitoring under this paragraph, the licensee or applicant will propose for department approval as license conditions, which constituents are to be monitored on a site-specific basis. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under Criterion 5. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to Criterion 5, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in ground water continue to comply with the standards set by the department. In conjunc-

tion with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

(8) Criterion 8 - Milling operations shall be conducted so that all airborne effluent releases are reduced to as low as is reasonably achievable. The primary means of accomplishing this shall be by means of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. The greatest potential sources of offsite radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. During operations and prior to closure, radiation doses from radon emissions from surface impoundments shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters (e.g., differential pressure and scrubber water flow rate) which determine the efficiency of yellowcake stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action shall be taken when performance is outside of prescribed ranges. Effluent control devices shall be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack.

Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable.

Operations may not be restarted after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the department in writing, within ten days of the subsequent restart.

To control dusting from tailings, that portion not covered by standing liquids shall be wetted or chemically stabilized to prevent or minimize blowing and dusting to the maximum extent reasonably achievable. This requirement may be relaxed if tailings are effectively sheltered from wind, such as may be the case where they are disposed of below grade and the tailings surface is not exposed to wind. Consideration shall be given in planning tailings disposal programs to methods which would allow phased covering and reclamation of tailings impoundments since this will help in controlling particulate and radon emissions during operation. To control dustings from diffuse sources, such as tailings and ore pads

where automatic controls do not apply, operators shall develop written operating procedures specifying the methods of control which will be utilized.

Milling operations producing or involving thorium by-product material shall be conducted in such a manner as to provide reasonable assurance that the annual dose equivalent does not exceed twenty-five millirems to the whole body, seventy-five millirems to the thyroid, and twenty-five millirems to any other organ of any member of the public as a result of exposures to the planned discharge of radioactive materials, Radon-220 and its daughters excepted, to the general environment.

Uranium and thorium by-product materials shall be managed so as to conform to the applicable provisions of Title 40 of the Code of Federal Regulations, Part 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, as codified on January 1, 1983.

The licensee shall establish a detection monitoring program needed to establish the groundwater protection standards in subsection (5)(f) of this section. A detection monitoring program has two purposes. The initial purpose of the program is to detect leakage of hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the second purpose of the program is to generate data and information needed for the department to establish the standards under subsection (5)(f) of this section. The data and information must provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the department to set the limits for those constituents and the compliance period. They may also need to provide the basis for adjustments to the point of compliance. For licenses in effect September 30, 1983, the detection monitoring programs must have been in place by October 1, 1984. For licenses issued after September 30, 1983, the detection monitoring programs must be in place when specified by the department in orders or license conditions. Once groundwater protection standards have been established pursuant to subsection (5)(f) of this section, the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards set by the department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this paragraph may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

Daily inspections of tailings or waste retention systems must be conducted by a qualified engineer or scientist and documented. The department must be immediately notified of any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas, and/or of any unusual conditions (conditions not contemplated in the design of the retention system) which if not cor-

rected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

(9) Criterion 9 - (a) Pursuant to chapter 70.121 RCW, and except as otherwise provided, financial surety arrangements for site reclamation and long-term surveillance and control which may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, irrevocable letters or lines of credit, or any combination of the above, or other arrangements approved by the department, milling operations shall be established for source material to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the act and these regulations.

(i) The amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates.

(ii) Self-insurance, or any arrangement which essentially constitutes self-insurance (e.g., a contract with a state or federal agency), will not satisfy the surety requirement, since this provides no additional assurance other than that which already exists through license requirements.

(b) The arrangements required in (a) of this subsection shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out decontamination and decommissioning of the facility.

(c) Amendments to licenses in effect on the effective date of this regulation may be issued, providing that the required surety arrangements are established within ninety days after the effective date of this subsection.

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on department-approved cost estimates in an approved plan for (i) decontamination and decommissioning of mill buildings and the milling site to levels which would allow unrestricted use of these areas upon decommissioning, and (ii) the reclamation of tailings and/or waste disposal areas in accordance with the technical criteria delineated in this section. The licensee shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. In addition, the surety shall cover the payment of the charge for long-term surveillance and control required by the department. In establishing specific surety arrangements, the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the decommissioning and reclamation work. In order to avoid unnecessary duplication and expense, the department may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies and/or local governing bodies for such decommissioning, decontamination, reclamation, and long-term site surveillance, provided such arrangements are considered adequate to satisfy these requirements and that portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge is clearly identified and committed for

use in accomplishing these activities. The licensee's surety mechanism will be reviewed annually by the department to assure that sufficient funds will be available for completion of the reclamation plan if the work had to be performed by an independent contractor. The amount of surety liability should be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability shall be retained until final compliance with the reclamation plan is determined. This will yield a surety that is at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance could be provided with a surety instrument which is written for a specific period of time (e.g., five years), yet which must be automatically renewed unless the surety notifies the beneficiary (the state regulatory agency) and the principal (the licensee) some reasonable time (e.g., ninety days) prior to the renewal date of their intention not to renew. In such a situation, the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief period of time to allow at least sixty days for the department to collect.

Proof of forfeiture must not be necessary to collect the surety so that in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration. The conditions described above would have to be clearly stated on any surety instrument which is not open-ended and must be agreed to by all parties.

Long-term care requirements. Pursuant to chapter 70.121 RCW, and as otherwise provided in WAC ((246-235-080-(6)(d))) 246-235-086(4), a long-term care trust fund shall be established by source material milling licensees prior to the issuance of the license.

(10) Criterion 10 - (a) A minimum charge of two hundred fifty thousand dollars (1978 United States dollars) accrued as specified in WAC ((246-235-080-(6)(d))) 246-235-086(4) to cover the costs of long-term surveillance shall be paid by each mill operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in (a) of this subsection (e.g., if fencing is determined to be necessary), variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the consumer price index published by the United States Department of Labor, Bureau of Labor Statistics. Contributions by a licensee to the long-

term care trust fund pursuant to chapter 70.121 RCW shall be transferred to cover the costs assessed under this criterion.

(11) Criterion 11 - These criteria relating to ownership of tailings and their disposal sites become effective on November 8, 1981, and apply to all licenses terminated, issued, or renewed after that date.

Any uranium or thorium milling license or tailings license shall contain such terms and conditions as the United States Nuclear Regulatory Commission determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this criterion for sites used for tailings disposal.

Title to the by-product material licensed pursuant to WAC 246-252-030 and land, including any interests therein (other than land owned by the United States or by the state of Washington) which is used for the disposal of any such by-product material, or is essential to ensure the long-term stability of such disposal site, shall be transferred to the United States or the state of Washington. In view of the fact that physical isolation must be the primary means of long-term control, and government land ownership is a desirable supplementary measure, ownership of certain severable subsurface interests (for example, mineral rights) may be determined to be unnecessary to protect the public health and safety and the environment. In any case, the applicant/ operator must demonstrate a serious effort to obtain such subsurface rights, and must, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to either a United States Nuclear Regulatory Commission general or specific license prohibiting the disruption and disturbance of the tailings. In some rare cases, such as may occur with deep burial where no ongoing site surveillance will be required, surface land ownership transfer requirements may be waived. For licenses issued before November 8, 1981, the United States Nuclear Regulatory Commission may take into account the status of the ownership of such land, and interests therein, and the ability of a licensee to transfer title and custody thereof to the United States or the state. If the United States Nuclear Regulatory Commission, subsequent to title transfer, determines that use of the surface or subsurface estates, or both, of the land transferred to the United States or to a state will not endanger the public health, safety, welfare or environment, the United States Nuclear Regulatory Commission may permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions provided in these criteria. If the United States Nuclear Regulatory Commission permits such use of such land, it will provide the person who transferred such land with the right of first refusal with respect to such use of such land.

Material and land transferred to the United States or a state in accordance with this criterion must be transferred without cost to the United States or a state other than administrative and legal costs incurred in carrying out such transfer.

The provisions of this part, respecting transfer of title and custody to land and tailings and wastes, do not apply in the case of lands held in trust by the United States for any Indian tribe, or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In

the case of such lands which are used for the disposal of by-product material, as defined in this section, the licensee shall enter into arrangements with the United States Nuclear Regulatory Commission as may be appropriate to assure the long-term surveillance of such lands by the United States.

(12) Criterion 12 - The final disposition of tailings or wastes at milling sites should be such that ongoing active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections must be conducted by the government agency retaining ultimate custody of the site where tailings or wastes are stored, to confirm the integrity of the stabilized tailings or waste systems, and to determine the need, if any, for maintenance and/or monitoring. Results of the inspection must be reported to the United States Nuclear Regulatory Commission within sixty days following each inspection. The United States Nuclear Regulatory Commission may require more frequent site inspections if, on the basis of a site-specific evaluation, such a need appears necessary, due to the features of a particular tailings or waste disposal system.

(13) Criterion 13 - Secondary groundwater protection standards required by Criterion 5 of this section are concentration limits for individual hazardous constituents. The list of constituents found in Appendix A of this chapter, chapter 246-252 WAC, identifies the constituents for which standards must be set and complied with if the specific constituent is reasonably expected to be in or derived from the by-product material and has been detected in groundwater. For purposes of this criterion, the property of gross alpha activity will be treated as if it is a hazardous constituent. Thus, when setting standards under subsection (5)(j) of this section, the department will also set a limit for gross alpha activity.

**AMENDATORY SECTION** (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

**WAC 246-235-080 Special requirements for issuance of ~~((certain))~~ specific licenses for medical use of radioactive material.** (1) *Human use of radioactive material in institutions.* In addition to the requirements set forth in WAC 246-235-020 a specific license for human use of radioactive material in institutions will be issued if:

(a) The applicant has appointed a radiation safety committee to coordinate the use of radioactive material throughout that institution and to maintain surveillance over the institution's radiation safety program. Membership of the committee should include a specialist (where applicable a physician) from each department where radioactive material is used, a representative of the institution's management, a representative of the nursing staff, and a person trained in radiation safety. The radiation safety committee shall meet at least quarterly. Minutes shall be taken and maintained for two years for inspection by the department;

(b) The applicant possesses adequate facilities for the clinical care of patients. The applicant is advised that construction of new radioisotope facilities and modification of existing facilities must also comply with the requirements of WAC 246-318-660 of the construction review section of the department;

(c) The physician(s) designated on the application as the individual user(s) has (or have) substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients; and

(d) If the application is for a license to use unspecified quantities or multiple types of radioactive material, the applicant's staff has substantial experience in the use of a variety of radioactive materials for a variety of human uses.

(2) *Licensing of individual physicians for human use of radioactive material.* In addition to the requirements set forth in WAC 246-235-020 a specific license for the human use of radioactive material will be issued to an individual physician if:

(a) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable;

(b) The applicant has extensive experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients;

(c) The application is for use in the applicant's practice in an office outside a medical institution; and

(d) ~~((The department will approve an application))~~ If the application is for use by an individual physician or group of physicians for a specific license to receive, possess or use radioactive material on the premises of a medical institution, the department will issue a specific license only if:

(i) The use of radioactive material is limited to the:

(A) Administration of radiopharmaceuticals for diagnostic or therapeutic purposes;

(B) Performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;

(C) Performance of in vitro diagnostic studies; or

(D) Calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation and diagnostic instrumentation;

(ii) The physician brings the radioactive material with him or her and removes the radioactive material when he or she departs. (The institution cannot receive, possess or store radioactive material other than the amount of material remaining in the patient); and

(iii) The medical institution does not hold a radioactive material license issued pursuant to the provisions of subsection (1) of this section.

(3) *Specific licenses for certain groups of medical uses of radioactive material.*

(a) Subject to the provisions of (b), (c) and (d) of this subsection an application for a specific license pursuant to subsection (1), (2) or (4) of this section, or for any medical use or uses of radioactive material specified in one or more of Groups I to VI, inclusive, of WAC 246-235-120, Schedule A, will be approved for all of the uses within the group or groups which include the use or uses specified in the application if:

(i) The applicant satisfies the requirements of subsection (1), (2) or (4) of this section;

(ii) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the group or groups;

(iii) The applicant, or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material, have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or groups;

(iv) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the group or groups, specifically:

(A) For Groups I through V, applicant must possess and use a calibrated and operable low-range survey instrument with a thin window (less than 7 mg/cm<sup>2</sup>) capable of detecting radiation levels of 0.05 milliroentgen per hour up to at least 20 milliroentgens per hour;

(B) For Groups III, V, and VI, applicant must possess a calibrated and operable high-range survey instrument capable of detecting radiation levels up to at least one Roentgen per hour;

(v) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses included in the group or groups.

(b) Any licensee or registrant who is authorized to use radioactive material pursuant to one or more groups in (a) of this subsection and WAC 246-235-120, Schedule A, is subject to the following conditions:

(i) For Groups I, II, IV, and V, no licensee or registrant shall receive, possess or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC 246-235-100, a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.72 of 10 CFR Part 32, or a specific license issued by an agreement state or a licensing state pursuant to equivalent regulations.

(ii) For Group III, no licensee or registrant shall receive, possess or use generators or reagent kits containing radioactive material unless manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC 246-235-100, a specific license issued by the United States Nuclear Regulatory Commission (~~pursuant to~~) under Section 32.73 of 10 CFR Part 32, or a specific license issued by an agreement state or a licensing state (~~pursuant to~~) under equivalent regulations.

(iii) For Group VI, no licensee or registrant shall receive, possess or use radioactive material except as contained in a source or device that has been manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department (~~pursuant to~~) under WAC 246-235-102, a specific license issued by the United States Nuclear Regulatory Commission (~~pursuant to~~) under Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by the manufacturer or a licensing state (~~pursuant to~~) under equivalent regulations.

(iv) For Group III, any licensee or registrant who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with

instructions (~~which are~~) approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and are furnished by the manufacturer on the label attached to or in the leaflet or brochure which accompanies the generator or reagent kit.

(c) Any licensee who is licensed (~~pursuant to~~) under (a) of this subsection for one or more of the medical use groups in WAC 246-235-120, Schedule A, also is authorized, subject to the provisions of (c) and (d) of this subsection to receive, possess and use for calibration and reference standards:

(i) Any radioactive material authorized for use under Group I, Group II, or Group III of WAC 246-235-120, Schedule A, with a half-life not longer than one hundred days, in amounts not to exceed 15 millicuries total;

(ii) Any radioactive material authorized for use under Group I, Group II, or Group III of WAC 246-235-120, Schedule A, with half-life greater than one hundred days in amounts not to exceed 200 microcuries total;

(iii) Technetium-99m in amounts not to exceed 50 millicuries;

(iv) Any radioactive material excluding Radium-226, in amounts not to exceed fifteen millicuries per sealed source, contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the department pursuant to WAC 246-235-102, a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by an agreement state or a licensing state pursuant to equivalent regulations.

(d) Leak tests.

(i) Any licensee or registrant who possesses sealed sources as calibration or reference sources (~~pursuant to~~) under (c) of this subsection shall cause each sealed source containing radioactive material, other than Hydrogen-3, with a half-life greater than thirty days in any form other than gas to be tested for leakage and/or contamination at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed sources shall not be used until tested (~~Provided, however, That no leak~~). However, leak tests are not required when:

(A) The source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material;

(B) The sealed source is stored and is not being used. Provided, (~~That~~) a physical inventory of the source and wipe surveys of the storage area or storage container are conducted.

(ii) The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the department.

(iii) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee or registrant shall immediately withdraw the sealed source from

use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with chapters 246-235 and 246-221 WAC. A report shall be filed within five days of the test with the department describing the equipment involved, the test results, and the corrective action taken.

(e) Any licensee or registrant who possesses and uses calibration and reference sources (~~(pursuant to)~~ under (c)(iv) of this subsection shall:

(i) Follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an agreement state or a licensing state and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain (~~(such)~~ the instructions) in a legible and conveniently available form; and

(ii) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include at a minimum the quantities and kinds of radioactive material, location of sources, name of person performing the inventory, and the date of the inventory.

(4) *Human use of sealed sources.* In addition to the requirements set forth in WAC 246-235-020, a specific license for human use of sealed sources will be issued only if the individual applicant or, if the application is made by an institution, the individual user:

(a) Has specialized training in the diagnostic or therapeutic use of the sealed source considered, or has experience equivalent to such training; and

(b) Is a physician.

~~((5) Use of sealed sources in industrial radiography. In addition to the requirements set forth in WAC 246-235-020, a specific license for use of sealed sources in industrial radiography will be issued if:~~

~~(a) The applicant will have an adequate program for training radiographers and radiographer's assistants and submits to the department a schedule or description of such program which specifies the:~~

~~(i) Initial training;~~

~~(ii) Periodic training;~~

~~(iii) On-the-job training;~~

~~(iv) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with department regulations and licensing requirements, and the operating and emergency procedures of the applicant; and~~

~~(v) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;~~

~~(b) The applicant submits to the department and complies with satisfactory written operating and emergency procedures (described in WAC 246-243-140);~~

~~(c) The applicant will have a quarterly internal inspection system, to assure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographer's assistants.~~

~~Records of this management control program shall be maintained for two years;~~

~~(d) The applicant submits to the department a description of the applicant's overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program;~~

~~(e) The applicant who desires to conduct leak tests has established adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination and submits to the department a description of such procedures including:~~

~~(i) Instrumentation to be used;~~

~~(ii) Method of performing tests, e.g., points on equipment to be smeared and method of taking smear; and~~

~~(iii) Pertinent experience of the person who will perform the tests;~~

~~(f) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.~~

~~(6) *Environmentally significant licensing actions.* In addition to the requirements set forth in WAC 246-235-020, a specific license for any activity within the licensing authority of the department which the department determines will significantly affect the radiological quality of the human environment, including those specified in WAC 197-11-845(1) and 246-03-030 (1)(a)(ii) (i.e., licenses to operate low level waste burial facilities or licenses to operate or expand beyond the design capacity, mineral processing facilities or their tailings areas, whose products, or byproducts, have concentrations of naturally occurring radioactive material in excess of exempt concentrations as specified in WAC 246-232-130, Schedule C), will be issued if the following conditions are met:~~

~~(a) Environmental impact statement.~~

~~(i) The application for a license or license amendment (other than administrative amendments) is accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with the State Environmental Policy Act (SEPA) procedures and guidelines specified in chapters 197-11 and 246-03 WAC. For any uranium or thorium mill in operation on or before the effective date of this regulation for which an environmental impact statement has not been prepared previously, an application for license renewal must be accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with SEPA guidelines.~~

Note: No construction shall be commenced until the license has been issued or unless an emergency exemption from SEPA requirements is granted in accordance with WAC 197-11-880. For the purposes of this subsection, the term "commencement of construction" means any clearing of land, excavation or other substantial action related to a proposed activity for specific licensing that would adversely affect the natural environment of a site; this term does not include changes desirable for the temporary use of the land for public recreational use, limited borings to determine site characteristics as necessary for environmental assessment, or other preconstruction monitoring to establish background information related to suitability of a site or to the protection of environmental values. In the case where an exemption is granted, the

applicant shall assume all financial risk for construction activity; waive any claim of entitlement to the issuance of a license based solely upon the grant of the exemption or the commencement of construction pursuant thereto; and furnish, if the circumstances warrant and the department so requires, a financial surety arrangement to insure the protection of the public health, safety and the environment in the event of abandonment, default, or inability of the license applicant to meet the requirements of the act or these regulations.

(ii) In addition to the information required in chapter 197-11 WAC, the following additional areas shall be addressed in the final environmental impact statement:

(A) Alternative sites to those chosen by the applicant shall include all alternative sites, whether or not those sites are under the control or ownership of the applicant.

(B) Long term impacts shall include, but not be limited to, decommissioning, decontamination, reclamation impacts and material management associated with the proposed activities.

(C) Environmental reviews, dose assessments, ecology, construction effects on biota, impact on the environment from the use of chemicals, and socioeconomic effects shall be addressed.

(D) Alternative disposal sites and techniques for disposal shall be evaluated to determine if a site or technique is clearly superior.

(b) For uranium or thorium milling operations, a bond made payable to the department of health or other acceptable government agency, and in an amount specified by the department, shall be posted to ensure the protection of the public health and safety in the event of abandonment, default or other inability of the licensee to meet the requirements for reclamation and disposal of tailings and for decommissioning the site. The bond, or a copy thereof when the bond is made payable to another government agency, shall be received by the department prior to issuance of the license, or prior to license renewal for mills in operation on or before the effective date of this regulation. Other acceptable surety arrangements in addition to surety bonding include cash deposits, certificates of deposit, deposits of government securities, letters or lines of credit or combinations of the foregoing. The amount and mechanism of the surety arrangement may be reviewed by the department preceding each license renewal and adjustments may be required of the licensee prior to such renewal.

(c) The owner of the proposed uranium or thorium mill and tailings site(s) agrees to transfer or revert to the appropriate state or federal agency upon termination of the license, all lands, buildings and grounds, and any interest therein, necessary to fulfill the purposes of this subsection, except where the lands are held in trust for, or are owned by any Indian tribe. For any uranium or thorium mill in operation on or before the effective date of this regulation, such an agreement will be required prior to license renewal.

(d) For all uranium and thorium milling operations, the owner or operator shall arrange to pay to the department or its designee a fee in accordance with WAC 246-254-150 for a special security fund for the further maintenance, surveillance or care which may be required after a licensee has ceased to operate.

A minimum fund of two hundred fifty thousand dollars shall be provided by the licensee payable to the state. If a shortfall exists between the amount of money in the special security fund and the two hundred fifty thousand dollars minimum amount, a surety bond, or other acceptable surety instrument as defined above shall be arranged.

(e) The application for a license includes a description of an appropriate program for effluent monitoring, environmental monitoring and data reporting. Such description shall encompass locations, frequency, and types of sampling, analytical plans and procedures, minimum detection levels, sampling equipment and quality assurance programs.

(f) All licensees or registrants required to meet the additional requirements set forth in this subsection shall establish environmental monitoring programs adequate to determine the impact of their activity on the natural environment around the site of their environmentally significant activity. The established environmental and effluent monitoring program shall address all environmentally significant radionuclide releases and external radiation sources caused or threatened to be caused by the licensee's activities.

(i) Effluent and environmental monitoring results shall include the following minimum information as pertinent:

(A) Information as to flow rates, total volume of effluent, peak concentration, concentration of each radionuclide in the effluent averaged over a period of one year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(B) A description of the properties of the effluents, including:

(I) Chemical composition;

(II) Physical characteristics, including suspended solids content in liquid effluents, and nature of gas aerosol for air effluents;

(III) The hydrogen ion concentrations (pH) of liquid effluents; and

(IV) The size range of particulates in effluent released into air;

(C) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river stream a description of water uses downstream from the point of release of the effluent.

(D) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one year:

(I) In air at any point of human occupancy; or

(II) In water at points of use downstream from the point of release of the effluent;

(E) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;

(F) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release;

(G) A written description of sampling techniques and sample analysis methods;

(H) A written description of how all calculated results were obtained from sample analysis data. This explanation shall include example calculations and estimates of the precision and sensitivity of monitoring results;

~~(i) A written description of the licensee's quality control program including specification of control samples and standard samples used.~~

~~(ii) The licensee shall submit in writing to the department within sixty days after January 1 and July 1 of each year, reports specifying the quantities of each of the principle radionuclides released to unrestricted areas in liquid and in gaseous effluent during the previous six months of operations. This data shall be reported in a manner that will permit the department to confirm the potential annual radiation doses to the public. All data from the radiological and nonradiological environmental monitoring program will also be submitted for the same time period and frequency as specified above. The data shall be reported in a manner which will allow the department to confirm the potential annual radiation doses to the public.~~

~~(g) For land disposal of radioactive material, the provisions of chapter 246-250 WAC must also be met.~~

~~(h) For operation of mineral processing facilities, the provisions of chapter 246-252 WAC must also be met.))~~

## NEW SECTION

**WAC 246-235-084 Special requirements for issuance of specific licenses for industrial radiography.** In addition to the requirements set forth in WAC 246-235-020, a specific license for use of sealed sources in industrial radiography will be issued if:

(1) The applicant submits an adequate program for training radiographers and radiographer's assistants that meets the requirements of WAC 246-243-050 and 246-243-130.

(a) After June 30, 2000, a license applicant need not describe its initial training and examination program for radiographers in the subjects outlined in WAC 246-243-230.

(b) From June 30, 2000, to January 1, 2001, a license applicant may affirm that all individuals acting as industrial radiographers will be certified in radiation safety by a certifying entity before beginning duty as radiographers. This affirmation substitutes for a description of its initial training and examination program for radiographers in the subjects outlined in WAC 246-243-230.

(2) The applicant submits procedures for verifying and documenting the certification status of radiographers and for ensuring that the certification of individuals acting as radiographers remains valid.

(3) The applicant submits written operating and emergency procedures as described in WAC 246-243-140.

(4) The applicant submits a description of a program for inspections of the job performance of each radiographer and radiographers' assistant at intervals not to exceed six months as described in WAC 246-243-050.

(5) The applicant submits a description of the applicant's overall organizational structure as it applies to the radiation safety responsibilities in industrial radiography, including specified delegation of authority and responsibility.

(6) The applicant identifies and lists the qualifications of the individual(s) designated as the RSO (WAC 246-243-047) and potential designees responsible for ensuring that the licensee's radiation safety program is implemented in accordance with approved procedures.

(7) If an applicant intends to perform leak testing of sealed sources or of exposure devices containing depleted uranium (DU) shielding, the applicant shall describe the procedures for performing and the qualifications of the person(s) authorized to do the leak testing. If the applicant intends to analyze its own wipe samples, the application must include a description of the procedures to be followed. The description must include the:

(a) Instruments to be used;

(b) Methods of performing the analysis; and

(c) Pertinent experience of the person who will analyze the wipe samples.

(8) If the applicant intends to perform "in-house" calibrations of survey instruments, the applicant must describe methods to be used and the relevant experience of the person(s) who will perform the calibrations. All calibrations must be performed according to these procedures and the intervals prescribed in WAC 246-243-080.

(9) The applicant identifies and describes the location(s) of all field stations and permanent radiographic installations.

(10) The applicant identifies the location where all records required by this section and other sections of these regulations will be maintained.

## NEW SECTION

**WAC 246-235-086 Special requirements for environmentally significant licensing actions.** In addition to the requirements set forth in WAC 246-235-020, a specific license for any activity within the licensing authority of the department which the department determines will significantly affect the radiological quality of the human environment, including those specified in WAC 197-11-845(1) and 246-03-030 (1)(a)(ii) (i.e., licenses to operate low level waste burial facilities or licenses to operate or expand beyond the design capacity, mineral processing facilities or their tailings areas, whose products, or byproducts, have concentrations of naturally occurring radioactive material in excess of exempt concentrations as specified in WAC 246-232-130, Schedule C), will be issued if the following conditions are met:

(1) Environmental impact statement.

(a) The application for a license or license amendment (other than administrative amendments) is accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with the State Environmental Policy Act (SEPA) procedures and guidelines specified in chapters 197-11 and 246-03 WAC. For any uranium or thorium mill in operation on or before the effective date of this regulation for which an environmental impact statement has not been prepared previously, an application for license renewal must be accompanied or preceded by a final environmental impact statement or final declaration of nonsignificance completed in accordance with SEPA guidelines.

**Note:** No construction shall be commenced until the license has been issued or unless an emergency exemption from SEPA requirements is granted in accordance with WAC 197-11-880. For the purposes of this subsection, the term "commencement of construction" means any clearing of land, excavation or other substantial action related to a proposed activity for specific licensing that would adversely affect the natural environment of a site; this

term does not include changes desirable for the temporary use of the land for public recreational use, limited borings to determine site characteristics as necessary for environmental assessment, or other preconstruction monitoring to establish background information related to suitability of a site or to the protection of environmental values. In the case where an exemption is granted, the applicant shall assume all financial risk for construction activity; waive any claim of entitlement to the issuance of a license based solely upon the grant of the exemption or the commencement of construction pursuant thereto; and furnish, if the circumstances warrant and the department so requires, a financial surety arrangement to insure the protection of the public health, safety and the environment in the event of abandonment, default, or inability of the license applicant to meet the requirements of the act or these regulations.

(b) In addition to the information required in chapter 197-11 WAC, the following additional areas shall be addressed in the final environmental impact statement:

(i) Alternative sites to those chosen by the applicant shall include all alternative sites, whether or not those sites are under the control or ownership of the applicant.

(ii) Long term impacts shall include, but not be limited to, decommissioning, decontamination, reclamation impacts and material management associated with the proposed activities.

(iii) Environmental reviews, dose assessments, ecology, construction effects on biota, impact on the environment from the use of chemicals, and socioeconomic effects shall be addressed.

(iv) Alternative disposal sites and techniques for disposal shall be evaluated to determine if a site or technique is clearly superior.

(2) For uranium or thorium milling operations, a bond made payable to the department of health or other acceptable government agency, and in an amount specified by the department, shall be posted to ensure the protection of the public health and safety in the event of abandonment, default or other inability of the licensee to meet the requirements for reclamation and disposal of tailings and for decommissioning the site. The bond, or a copy thereof when the bond is made payable to another government agency, shall be received by the department prior to issuance of the license, or prior to license renewal for mills in operation on or before the effective date of this regulation. Other acceptable surety arrangements in addition to surety bonding include cash deposits, certificates of deposit, deposits of government securities, letters or lines of credit or combinations of the foregoing. The amount and mechanism of the surety arrangement may be reviewed by the department preceding each license renewal and adjustments may be required of the licensee prior to such renewal.

(3) The owner of the proposed uranium or thorium mill and tailings site(s) agrees to transfer or revert to the appropriate state or federal agency upon termination of the license, all lands, buildings and grounds, and any interest therein, necessary to fulfill the purposes of this subsection, except where the lands are held in trust for, or are owned by, any Indian tribe. For any uranium or thorium mill in operation on or before the effective date of this regulation, such an agreement will be required prior to license renewal.

(4) For all uranium and thorium milling operations, the owner or operator shall arrange to pay to the department or its

designee a fee in accordance with WAC 246-254-150 for a special security fund for the further maintenance, surveillance or care which may be required after a licensee has ceased to operate.

A minimum fund of two hundred fifty thousand dollars shall be provided by the licensee payable to the state. If a shortfall exists between the amount of money in the special security fund and the two hundred fifty thousand dollars minimum amount, a surety bond, or other acceptable surety instrument as defined above shall be arranged.

(5) The application for a license includes a description of an appropriate program for effluent monitoring, environmental monitoring and data reporting. The description shall encompass locations, frequency, and types of sampling, analytical plans and procedures, minimum detection levels, sampling equipment and quality assurance programs.

(6) All licensees or registrants required to meet the additional requirements set forth in this subsection shall establish environmental monitoring programs adequate to determine the impact of their activity on the natural environment around the site of their environmentally significant activity. The established environmental and effluent monitoring program shall address all environmentally significant radionuclide releases and external radiation sources caused or threatened to be caused by the licensee's activities.

(a) Effluent and environmental monitoring results shall include the following minimum information as pertinent:

(i) Information as to flow rates, total volume of effluent, peak concentration, concentration of each radionuclide in the effluent averaged over a period of one year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(ii) A description of the properties of the effluents, including:

(A) Chemical composition;

(B) Physical characteristics, including suspended solids content in liquid effluents, and nature of gas aerosol for air effluents;

(C) The hydrogen ion concentrations (pH) of liquid effluents; and

(D) The size range of particulates in effluent released into air;

(iii) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river or stream, a description of water uses downstream from the point of release of the effluent.

(iv) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one year:

(A) In air at any point of human occupancy; or

(B) In water at points of use downstream from the point of release of the effluent;

(v) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;

(vi) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release;

(vii) A written description of sampling techniques and sample analysis methods;

(viii) A written description of how all calculated results were obtained from sample analysis data. This explanation shall include example calculations and estimates of the precision and sensitivity of monitoring results;

(ix) A written description of the licensee's quality control program including specification of control samples and standard samples used.

(b) The licensee shall submit in writing to the department within sixty days after January 1 and July 1 of each year, reports specifying the quantities of each of the principle radionuclides released to unrestricted areas in liquid and in gaseous effluent during the previous six months of operations. This data shall be reported in a manner that will permit the department to confirm the potential annual radiation doses to the public. All data from the radiological and nonradiological environmental monitoring program will also be submitted for the same time period and frequency as specified above. The data shall be reported in a manner which will allow the department to confirm the potential annual radiation doses to the public.

(7) For land disposal of radioactive material, the provisions of chapter 246-250 WAC must also be met.

(8) For operation of mineral processing facilities, the provisions of chapter 246-252 WAC must also be met.

**AMENDATORY SECTION** (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

**WAC 246-235-090 Special requirements for specific licenses of broad scope.** This section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material ("broad licenses") and certain regulations governing holders of such licenses.\*

\*Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(1) *The different types of broad licenses are set forth below:*

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range.

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in WAC 246-235-140 Schedule B, for any authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC 246-235-140 Schedule B, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide,

determine the ratio of the quantity possessed to the applicable quantity specified in WAC 246-235-140 Schedule B, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in WAC 246-235-140 Schedule B, for any authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC 246-235-140 Schedule B, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in WAC 246-235-140 Schedule B, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(2) *An application for a Type A specific license of broad scope will be approved if:*

(a) The applicant satisfies the general requirements specified in WAC 246-235-020.

(b) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The establishment of a radiation safety committee composed of such persons as a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;

(ii) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(iii) The establishment of appropriate administrative procedures to assure:

(A) Control of procurement and use of radioactive material;

(B) Completion of safety evaluation of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(C) Review, approval, and recording by the radiation safety committee of safety evaluation of proposed uses prepared in accordance with item (2)(c)(iii)(B) of this section prior to use of the radioactive material.

(3) *An application for a Type B specific license of broad scope will be approved if:*

(a) The applicant satisfies the general requirements specified in WAC 246-235-020; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting, and

management review that are necessary to assure safe operations, including:

(i) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(ii) The establishment of appropriate administrative procedures to assure:

(A) Control of procurement and use of radioactive material;

(B) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(C) Review, approval, and recording by the radiation safety officer of safety evaluations of proposed uses prepared in accordance with item (3)(b)(ii)(B) of this section prior to use of the radioactive material.

(4) *An application for a Type C specific license of broad scope will be approved if:*

(a) The applicant satisfies the general requirements specified in WAC 246-235-020.

(b) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of individuals, who have received:

(i) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(ii) At least forty hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and

(c) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting, and management review necessary to assure safe operations.

(5) *Specific licenses of broad scope are subject to the following conditions:*

(a) Unless specifically authorized by the department, persons licensed ~~((pursuant to))~~ under this section shall not:

(i) Conduct tracer studies in the environment involving direct release of radioactive material;

(ii) Receive, acquire, own, possess, use or transfer devices containing 100,000 curies or more of radioactive material in sealed sources used for irradiation of materials;

(iii) Conduct activities for which a specific license issued by the department under WAC 246-235-080 through 246-235-086 or WAC 246-235-091 through 246-235-105 is required; or

(iv) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued under this part shall be subject to the condition that radioac-

tive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each Type B specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer.

(d) Each Type C specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (4) of this section.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-220-007 Statement of philosophy.** In accordance with the recommendations of the Environmental Protection Agency, formerly the Federal Radiation Council, approved by the president of the United States of America, persons engaged in activities under licenses issued by the Washington state department of health pursuant to the Atomic Energy Act of 1954, as amended, shall, in addition to complying with the requirements set forth in chapter 246-221 WAC, make every reasonable effort to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable. Such persons should make particular efforts to keep the radiation exposure of an embryo or fetus as low as is reasonably achievable during the entire gestation period as recommended by the National Council on Radiation Protection and Measurements. The term "as low as is reasonably achievable" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these regulations as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of nuclear energy, ionizing radiation, and radioactive materials in the public interest.

**AMENDATORY SECTION** (Amending WSR 99-15-105, filed 7/21/99, effective 8/21/99)

**WAC 246-220-010 Definitions.** As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) "Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

(2) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

(3) "Act" means Nuclear energy and radiation, chapter 70.98 RCW.

(4) "Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

(5) "Adult" means an individual eighteen or more years of age.

(6) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(7) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of particulates, dusts, fumes, mists, vapors, or gases.

(8) "Airborne radioactivity area" means a room, enclosure, or operating area in which airborne radioactive material exists in concentrations (a) in excess of the derived air concentration (DAC) specified in WAC 246-221-290, Appendix A, or (b) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or twelve DAC-hours.

(9) "Alert" means events may occur, are in progress, or have occurred that could lead to a release of radioactive material but that the release is not expected to require a response by offsite response organizations to protect persons offsite.

(10) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 0.05 Sv (5 rem) or a committed dose equivalent of 0.5 Sv (50 rem) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in WAC 246-221-290.

(11) "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

(12) "Becquerel" (Bq) means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second ( $s^{-1}$ ).

(13) "Bioassay" means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of these regulations, "radiobioassay" is an equivalent term.

(14) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed pri-

marily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

(15) "Calendar quarter" means not less than twelve consecutive weeks nor more than fourteen consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

(16) "Calibration" means the determination of (a) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (b) the strength of a source of radiation relative to a standard.

(17) "CFR" means Code of Federal Regulations.

(18) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: For Class D, Days, of less than ten days, for Class W, Weeks, from ten to one hundred days, and for Class Y, Years, of greater than one hundred days. For purposes of these regulations, "lung class" and "inhalation class" are equivalent terms. For "class of waste" see WAC 246-249-040.

(19) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(20) "Committed dose equivalent" ( $H_{T,50}$ ) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the fifty-year period following the intake.

(21) "Committed effective dose equivalent" ( $H_{E,50}$ ) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ( $H_{E,50} = \sum w_T H_{T,50}$ ).

(22) "Constraint" or dose constraint means a value above which specified licensee actions are required.

(23) "Controlled area." See "Restricted area."

(24) "Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of  $3.7 \times 10^{10}$  transformations per second (tps).

(25) "Declared pregnant woman" means a woman who has voluntarily informed her employer, in writing, of her pregnancy, and her estimated date of conception.

(26) "Deep dose equivalent" ( $H_d$ ), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter ( $1000 \text{ mg/cm}^2$ ).

(27) "Department" means the department of health, division of radiation protection, which has been designated as the state radiation control agency.

(28) "Depleted uranium" means the source material uranium in which the isotope Uranium-235 is less than 0.711

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percent by weight of the total uranium present. Depleted uranium does not include special nuclear material.

(29) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of two thousand hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic meters of air per hour for two thousand hours in a year. DAC values are given in WAC 246-221-290.

(30) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take two thousand DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 0.05 Sv (5 rem).

(31) "Dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these regulations, "radiation dose" is an equivalent term.

(32) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

(33) "Dose equivalent ( $H_T$ )" means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

(34) "Dose limits" means the permissible upper bounds of radiation doses established in accordance with these regulations. For purposes of these regulations, "limits" is an equivalent term.

(35) "Dosimetry processor" means a person that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

(36) "dpm" means disintegrations per minute. See also "curie."

(37) "Effective dose equivalent ( $H_E$ )" means the sum of the products of the dose equivalent to each organ or tissue ( $H_T$ ) and the weighting factor ( $w_T$ ) applicable to each of the body organs or tissues that are irradiated ( $H_E = \sum w_T H_T$ ).

(38) "Embryo/fetus" means the developing human organism from conception until the time of birth.

(39) "Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, without respect to their intended use.

(40) "Exposure" means (a), when used as a verb, being exposed to ionizing radiation or to radioactive material, or (b), when used as a noun, the quotient of  $\Delta Q$  by  $\Delta m$  where " $\Delta Q$ " is the absolute value of the total charge of the ions of

one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " $\Delta m$ " are completely stopped in air. The special unit of exposure is the roentgen (R) and the SI equivalent is the coulomb per kilogram. One roentgen is equal to  $2.58 \times 10^{-4}$  coulomb per kilogram of air.

(41) "Exposure rate" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

(42) "External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

(43) "Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

(44) "Eye dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter ( $300 \text{ mg/cm}^2$ ).

(45) "Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

(46) "Generally applicable environmental radiation standards" means standards issued by the United States Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(47) "Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule/kilogram (100 rad).

(48) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

(49) "High radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of these regulations, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

(50) "Human use" means the intentional internal or external administration of radiation or radioactive material to human beings.

(51) "Immediate" or "immediately" means as soon as possible but no later than four hours after the initiating condition.

(52) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act (Title 21 CFR).

(53) "Individual" means any human being.

(54) "Individual monitoring" means the assessment of:  
(a) Dose equivalent (i) by the use of individual monitoring devices or (ii) by the use of survey data; or

(b) Committed effective dose equivalent (i) by bioassay or (ii) by determination of the time-weighted air concentra-

tions to which an individual has been exposed, that is, DAC-hours.

(55) "Individual monitoring devices" means devices designed to be worn by a single individual for the assessment of dose equivalent. For purposes of these regulations, individual monitoring equipment, personnel monitoring device, personnel dosimeter, and dosimeter are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.

(56) "Inspection" means an official examination or observation by the department including but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

(57) "Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

(58) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(59) "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

(60) "License" means a license issued by the department in accordance with the regulations adopted by the department.

(61) "Licensed material" means radioactive material received, possessed, used, transferred, or disposed under a general or specific license issued by the department.

(62) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

(63) "Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and which has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

(64) "Lost or missing licensed material" means licensed material whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

(65) "Member of the public" means an individual except when the individual is receiving an occupational dose.

(66) "Minor" means an individual less than eighteen years of age.

(67) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these regulations, radiation monitoring and radiation protection monitoring are equivalent terms.

(68) "NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include by-product, source, or special nuclear material. For the purpose of meeting the definition of a Licensing State by the Confer-

ence of Radiation Control Program Directors, Inc. (CRCPD), NARM refers only to discrete sources of NARM. Diffuse sources of NARM are excluded from consideration by the CRCPD for Licensing State designation purposes.

(69) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

(70) "NDA" means a new drug application which has been submitted to the United States Food and Drug Administration.

(71) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of these regulations, a "deterministic effect" is an equivalent term.

(72) "Nuclear Regulatory Commission" (NRC) means the United States Nuclear Regulatory Commission or its duly authorized representatives.

(73) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received: From background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, from voluntary participation in medical research programs, or as a member of the public.

(74) "Ore refineries" means all processors of a radioactive material ore.

(75) "Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

(76) "Permittee" means a person who has applied for, and received, a valid site use permit for use of the low-level waste disposal facility at Hanford, Washington.

(77) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing, but shall not include federal government agencies.

(78) "Personal supervision" means supervision such that the supervisor is physically present at the facility and in such proximity that contact can be maintained and immediate assistance given as required.

(79) "Personnel monitoring equipment." See individual monitoring devices.

(80) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

(81) "Physician" means an individual licensed by this state to prescribe and dispense drugs in the practice of medicine.

(82) "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

(83) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

(84) "Public dose" means the dose received by a member of the public from exposure to sources of radiation under the licensee's or registrant's control or to radiation or radioactive material released by the licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released pursuant to chapters 246-239 and 246-240 WAC, or from voluntary participation in medical research programs.

(85) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department he/she has the knowledge, training, and experience to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs. The department reserves the right to recognize the qualifications of an individual in specific areas of radiation protection.

(86) "Quality factor" (Q) means the modifying factor, listed in Tables I and II, that is used to derive dose equivalent from absorbed dose.

TABLE I

QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES		
TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to A Unit Dose Equivalent <sup>a</sup>
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

<sup>a</sup> Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 Sv.

If it is more convenient to measure the neutron fluence rate rather than to determine the neutron dose equivalent rate in sievert per hour or rem per hour as required for Table I, then 0.01 Sv (1 rem) of neutron radiation of unknown energies may, for purposes of these regulations, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II

MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor <sup>a</sup> (Q)	Fluence per Unit Dose Equivalent <sup>b</sup> (neutrons cm <sup>-2</sup> rem <sup>-1</sup> )	Fluence per Unit Dose Equivalent <sup>b</sup> (neutrons cm <sup>-2</sup> Sv <sup>-1</sup> )
(thermal) 2.5 x 10 <sup>-8</sup>	2	980 x 10 <sup>6</sup>	980 x 10 <sup>8</sup>
1 x 10 <sup>-7</sup>	2	980 x 10 <sup>6</sup>	980 x 10 <sup>8</sup>
1 x 10 <sup>-6</sup>	2	810 x 10 <sup>6</sup>	810 x 10 <sup>8</sup>
1 x 10 <sup>-5</sup>	2	810 x 10 <sup>6</sup>	810 x 10 <sup>8</sup>
1 x 10 <sup>-4</sup>	2	840 x 10 <sup>6</sup>	840 x 10 <sup>8</sup>
1 x 10 <sup>-3</sup>	2	980 x 10 <sup>6</sup>	980 x 10 <sup>8</sup>
1 x 10 <sup>-2</sup>	2.5	1010 x 10 <sup>6</sup>	1010 x 10 <sup>8</sup>
1 x 10 <sup>-1</sup>	7.5	170 x 10 <sup>6</sup>	170 x 10 <sup>8</sup>
5 x 10 <sup>-1</sup>	11	39 x 10 <sup>6</sup>	39 x 10 <sup>8</sup>
1	11	27 x 10 <sup>6</sup>	27 x 10 <sup>8</sup>
2.5	9	29 x 10 <sup>6</sup>	29 x 10 <sup>8</sup>
5	8	23 x 10 <sup>6</sup>	23 x 10 <sup>8</sup>
7	7	24 x 10 <sup>6</sup>	24 x 10 <sup>8</sup>
10	6.5	24 x 10 <sup>6</sup>	24 x 10 <sup>8</sup>
14	7.5	17 x 10 <sup>6</sup>	17 x 10 <sup>8</sup>
20	8	16 x 10 <sup>6</sup>	16 x 10 <sup>8</sup>

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40	7	14 x 10 <sup>6</sup>	14 x 10 <sup>8</sup>
60	5.5	16 x 10 <sup>6</sup>	16 x 10 <sup>8</sup>
1 x 10 <sup>2</sup>	4	20 x 10 <sup>6</sup>	20 x 10 <sup>8</sup>
2 x 10 <sup>2</sup>	3.5	19 x 10 <sup>6</sup>	19 x 10 <sup>8</sup>
3 x 10 <sup>2</sup>	3.5	16 x 10 <sup>6</sup>	16 x 10 <sup>8</sup>
4 x 10 <sup>2</sup>	3.5	14 x 10 <sup>6</sup>	14 x 10 <sup>8</sup>

<sup>a</sup> Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

<sup>b</sup> Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

(87) "Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately thirteen consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

(88) "Rad" means the special unit of absorbed dose. One rad equals one-hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue. One rad is equal to an absorbed dose of 100 erg/gram or 0.01 joule/kilogram (0.01 gray).

(89) "Radiation" means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. For purposes of these regulations, ionizing radiation is an equivalent term. Radiation, as used in these regulations, does not include magnetic fields or nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

(90) "Radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at thirty centimeters from the source of radiation or from any surface that the radiation penetrates.

(91) "Radiation machine" means any device capable of producing ionizing radiation except those devices with radioactive materials as the only source of radiation.

(92) "Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

(93) "Radiation source." See "Source of radiation."

(94) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

(95) "Radioactive waste" means any radioactive material which is no longer of use and intended for disposal or treatment for the purposes of disposal.

(96) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

(97) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

(98) "Registrable item" means any radiation machine except those exempted by RCW 70.98.180 or exempted by the department pursuant to the authority of RCW 70.98.080.

(99) "Registrant" means any person who is registered by the department or is legally obligated to register with the department in accordance with these regulations and the act.

(100) "Registration" means registration with the department in accordance with the regulations adopted by the department.

(101) "Regulations of the United States Department of Transportation" means the regulations in 49 CFR Parts 170-189, 14 CFR Part 103, and 46 CFR Part 146.

(102) "Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem=0.01 Sv).

(103) "Research and development" means: (a) Theoretical analysis, exploration, or experimentation; or (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

(104) "Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(105) "Restricted area" means any area to which access is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to radiation and radioactive material. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

(106) "Roentgen" (R) means the special unit of exposure. One roentgen equals  $2.58 \times 10^{-4}$  coulombs/kilogram of air.

(107) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

(108) "Sealed source" means any ~~((device containing))~~ radioactive material ~~((to be used as a source of radiation which has been constructed in such a manner as))~~ that is encased in a capsule designed to prevent leakage or the escape of ((any)) the radioactive material.

(109) "Shallow dose equivalent" (H<sub>s</sub>), which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm<sup>2</sup>) averaged over an area of 1 square centimeter.

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(110) "SI" means an abbreviation of the International System of Units.

(111) "Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv= 100 rem).

(112) "Site area emergency" means events may occur, are in progress, or have occurred that could lead to a significant release of radioactive material and that could require a response by offsite response organizations to protect persons offsite.

(113) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

(114) "Source container" means a device in which radioactive material is transported or stored.

(115) "Source material" means: (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(116) "Source material milling" means the extraction or concentration of uranium or thorium from any ore processing primarily for its source material content.

(117) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

(118) "Special nuclear material" means:

(a) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the United States Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(b) Any material artificially enriched in any of the foregoing, but does not include source material.

(119) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty grams of contained U-235; Uranium-233 in quantities not exceeding two hundred grams; Plutonium in quantities not exceeding two hundred grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175(\text{grams contained U-235})}{350} + \frac{50(\text{grams U-233})}{200} + \frac{50(\text{grams Pu})}{200} < 1$$

(120) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of these regulations, probabilistic effect is an equivalent term.

(121) "Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, calculations and measurements of levels of radiation or concentration of radioactive material present.

(122) "Test" means (a) the process of verifying compliance with an applicable regulation, or (b) a method for determining the characteristics or condition of sources of radiation or components thereof.

(123) "These regulations" mean all parts of the rules for radiation protection of the state of Washington.

(124) "Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

(125) "Total organ dose equivalent (TODE)" means the sum of the deep dose equivalent and the committed dose equivalent to the organ or tissue receiving the highest dose.

(126) "United States Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy Research and Development Administration and to the administrator thereof pursuant to sections 104 (b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814 effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977).

(127) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

(128) "Unrestricted area" (uncontrolled area) means any area which is not a restricted area. Areas where the external dose exceeds 2 mrem in any one hour or where the public dose, taking into account occupancy factors, will exceed 100 mrem total effective dose equivalent in any one year must be restricted.

(129) "Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates.

(130) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

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(131) "Week" means seven consecutive days starting on Sunday.

(132) "Weighting factor"  $w_T$  for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of  $w_T$  are:

ORGAN DOSE WEIGHTING FACTORS	
Organ or Tissue	$w_T$
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 <sup>a</sup>
Whole Body	1.00 <sup>b</sup>

<sup>a</sup> 0.30 results form 0.06 for each of 5 "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

<sup>b</sup> For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor,  $w_T=1.0$ , has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(133) "Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

(134) "Worker" means an individual engaged in activities under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant. Where the licensee or registrant is an individual rather than one of the other legal entities defined under "person," the radiation exposure limits for the worker also apply to the individual who is the licensee or registrant. If students of age eighteen years or older are subjected routinely to work involving radiation, then the students are considered to be workers. Individuals of less than eighteen years of age shall meet the requirements of WAC 246-221-050.

(135) "Working level" (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of  $1.3 \times 10^5$  MeV of potential alpha particle energy. The short-lived radon daughters are — for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.

(136) "Working level month" (WLM) means an exposure to one working level for one hundred seventy hours — two thousand working hours per year divided by twelve months per year is approximately equal to one hundred seventy hours per month.

(137) "Year" means the period of time beginning in January used to determine compliance with the provisions of these regulations. The licensee or registrant may change the

starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-221-020 Determination of prior occupational dose.** (1) For each individual who (~~may enter the licensee's or registrant's restricted area and~~) is likely to receive, in a year, an occupational dose requiring monitoring pursuant to WAC 246-221-090 and 246-221-100, the licensee or registrant shall:

- (a) Determine the occupational radiation dose received during the current year; and
- (b) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

(2) Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

- (a) The internal and external doses from all previous planned special exposures; and
- (b) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.

(3) In complying with the requirements of subsection (1) of this section, a licensee or registrant may:

- (a) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year; and

- (b) Accept, as the record of lifetime cumulative radiation dose, an up-to-date Form RHF-4A, or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

- (c) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, telegram, facsimile, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

(4) The licensee or registrant shall record the exposure history, as required by subsection (1) of this section, on Form RHF-4A, or other clear and legible record, of all the information required on that form. The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing Form RHF-4A. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on Form RHF-4A indicating the periods of time for which data are not available.

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(5) Licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed under the regulations in effect before January 1, 1994. Further, occupational exposure histories obtained and recorded on Form RHF-4 before January 1, 1994, would not have included effective dose equivalent, but may be used in the absence of specific information on the intake of radionuclides by the individual.

(6) If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(a) In establishing administrative controls under WAC 246-221-010(6) for the current year, that the allowable dose limit for the individual is reduced by 12.5 mSv (1.25 rem) for each calendar quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(b) That the individual is not available for planned special exposures.

(7) The licensee or registrant shall retain the records on Form RHF-4A or equivalent until the department terminates each pertinent license requiring this record. The licensee or registrant shall retain records used in preparing Form RHF-4 or RHF-4A for three years after the record is made.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-020 Definitions.** As used in this part:

~~(1) ("Enclosed radiography" means industrial radiography employing radiographic exposure devices conducted in an enclosed cabinet or room and includes cabinet radiography and shielded room radiography.~~

~~(a) "Cabinet radiography" means industrial radiography employing radiographic exposure devices conducted in an enclosure or cabinet so shielded that every location at the exterior meets the conditions specified in WAC 246-221-060 of these regulations.~~

~~(b) "Shielded room radiography" means industrial radiography conducted in a room so shielded that every location on the exterior meets the conditions specified in WAC 246-221-060 of these regulations.~~

~~(2)) "Annual refresher safety training" means a review conducted or provided by the licensee for its employees on radiation safety aspects of industrial radiography. The review may include, as appropriate, the results of internal inspections, new procedures or equipment, new or revised regulations, accidents or errors that have been observed, and should also provide opportunities for employees to ask safety questions.~~

~~(2) "Associated equipment" means equipment that is used in conjunction with a radiographic exposure device to make radiographic exposures that drives, guides, or comes in contact with the source, (e.g., guide tube, control tube, control (drive) cable, removable source stop, "J" tube and collimator) when it is used as an exposure head.~~

~~(3) "Certifying entity" means an independent certifying organization meeting the requirements in WAC 246-243-250~~

~~Appendix C or an agreement state meeting the requirements in WAC 246-243-250 Appendix C, subsections (2) and (3).~~

~~(4) "Collimator" means a radiation shield that is placed on the end of the guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.~~

~~(5) "Control (drive) cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.~~

~~(6) "Control drive mechanism" means a device that enables the source assembly to be moved to and from the exposure device.~~

~~(7) "Control tube" means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.~~

~~(8) "Exposure head" means a device that locates the gamma radiography sealed source in the selected working position. (An exposure head is also known as a source stop.)~~

~~(9) "Field station" means a facility where licensed material may be stored or used and from which equipment is dispatched.~~

~~(10) "Guide tube (projection sheath)" means a flexible or rigid tube (i.e., "J" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.~~

~~(11) "Hands-on experience" means experience in all of those areas considered to be directly involved in the radiography process.~~

~~(12) "Independent certifying organization" means an independent organization that meets all of the criteria of WAC 246-243-250 Appendix C.~~

~~(13) "Industrial radiography" (radiography) means the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation to make radiographic images. Industrial radiography as used in this chapter does not include well logging operations.~~

~~((3)) (14) "Lay-barge radiography" means industrial radiography performed on any water vessel used for laying pipe.~~

~~(15) "Offshore platform radiography" means industrial radiography conducted from a platform over a body of water.~~

~~(16) "Permanent radiographic installation" means ((a)) an enclosed shielded ((installation or structure designed or intended for radiography employing a radiographic exposure device and)) room, cell or vault, not located at a temporary job site, in which radiography is ((regularly)) performed, regardless of ownership.~~

~~((4) "Personal supervision" means supervision by a radiographer such that the radiographer is physically present at the radiography site and in such proximity that communication can be maintained and immediate assistance given as required. When a radiographer's assistant is using or handling sources of radiation, the radiographer must maintain direct surveillance.~~

~~(5)) (17) "Practical examination" means a demonstration through practical application of the safety rules and prin-~~

principles in industrial radiography including use of all appropriate equipment and procedures.

(18) "Radiation safety officer for industrial radiography" means an individual with the responsibility for the overall radiation safety program on behalf of the licensee and who meets the requirements of WAC 246-243-047.

(19) "Radiographer" means any individual who performs or who, in attendance at the site where sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of these regulations and all license conditions.

((6)) (20) "Radiographer certification" means written approval received from a certifying entity stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

(21) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses sources of radiation, related handling tools, or radiation survey instruments in industrial radiography.

((7)) (22) "Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

((8)) (23) "Radiographic operations" means all activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract carrier), to include surveys to confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

(24) "S-tube" means a tube through which the radioactive source travels when inside a radiographic exposure device.

(25) "Shielded position" means the location within the radiographic exposure device or ~~((storage container which, by manufacturer's design, is the proper location for storage of the sealed source))~~ source changer where the sealed source is secured and restricted from movement.

((9)) (26) "Source assembly" means an assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may also include a stop ball used to secure the source in the shielded position.

(27) "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources.

((10)) (28) "Storage area" means any location, facility, or vehicle which is used to store or to secure a radiographic exposure device, a storage container, or a sealed source when it is not in use and which is locked or has a physical barrier to prevent accidental exposure, tampering with, or unauthorized removal of the device, container, or source.

(29) "Storage container" means a ~~((device))~~ container in which sealed sources are ~~((transported or))~~ secured and stored.

~~((11))~~ (30) "Temporary job site" ~~((refers to any location which is not specifically authorized and described in a license))~~ means a location where radiographic operations are conducted and where licensed material may be stored other than those location(s) of use authorized on the license.

(31) "Underwater radiography" means industrial radiography performed when the radiographic exposure device and/or related equipment are beneath the surface of the water.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-243-030 ~~((Offshore))~~ Conducting industrial radiography operations. (1) Whenever radiography is performed at a location other than a permanent radiographic installation, the radiographer must be accompanied by at least one other qualified radiographer or an individual who has at a minimum met the requirements of WAC 246-243-130(2) (radiographer's assistant). The additional qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.

(2) All radiographic operations conducted at locations of use authorized on the license must be conducted in a permanent radiographic installation, unless specifically authorized by the department.

(3) Offshore platform, lay-barge, and/or underwater radiography shall be performed only by licensees whose license specifically authorizes such activity. Such operations fall under the jurisdiction of the United States Nuclear Regulatory Commission when conducted outside of the territorial waters of the state of Washington.

(4) Licensees will have until January 1, 2001, to meet the requirement for having two qualified individuals present at locations other than a permanent radiographic installation as specified in subsection (1) of this section.

#### NEW SECTION

WAC 246-243-042 Labeling, storage, and transportation. (1) The licensee may not use a source changer or a container to store licensed material unless the source changer or the storage container has securely attached to it a durable, legible, and clearly visible label bearing the standard trefoil radiation caution symbol in conventional colors, i.e., magenta, purple or black on a yellow background, having a minimum diameter of 25 mm, and the wording:

CAUTION (or "DANGER")  
RADIOACTIVE MATERIAL  
NOTIFY CIVIL AUTHORITIES  
(or "NAME OF COMPANY")

(2) The licensee may not transport licensed material unless the material is packaged, and the package is labeled, marked, and accompanied with appropriate shipping papers in accordance with regulations set out in 10 CFR Part 71.

(3) Locked radiographic exposure devices and storage containers must be physically secured to prevent tampering

or removal by unauthorized personnel. The licensee shall store licensed material in a manner which will minimize danger from explosion or fire.

(4) The licensee shall lock and physically secure the transport package containing licensed material in the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal of the licensed material from the vehicle.

#### NEW SECTION

**WAC 246-243-044 Records of receipt and transfer of sealed sources.** (1) Each licensee shall maintain records showing the receipts and transfers of sealed sources and of devices using depleted uranium (DU) for shielding and retain each record for three years after it is made.

(2) These records must include the date, shipper or destination, the name of the individual making the record, radionuclide, number of becquerels (curies) or mass (for DU), and manufacturer, model, and serial number of each sealed source and/or device, as appropriate.

#### NEW SECTION

**WAC 246-243-047 Radiation safety officer for industrial radiography.** The radiation safety officer (RSO) shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's program.

(1) The minimum qualifications, training, and experience for RSOs for industrial radiography are as follows:

(a) Completion of the training and testing requirements of WAC 246-243-130(1);

(b) Two thousand hours of hands-on experience as a qualified radiographer in industrial radiographic operations utilizing sealed radioactive material; and

(c) Formal training in the establishment and maintenance of a radiation protection program.

(2) The department will consider alternatives when the RSO has appropriate training and/or experience in the field of ionizing radiation, and in addition, has adequate formal training with respect to the establishment and maintenance of a radiation safety protection program.

(3) The specific duties and authorities of the RSO include, but are not limited to:

(a) Establishing and overseeing all operating, emergency, and ALARA procedures as required by chapter 246-221 WAC, and reviewing them regularly to ensure that the procedures in use conform to current chapter 246-221 WAC requirements, conform to other department regulations and to the license conditions;

(b) Overseeing and approving all phases of the training program for radiographic personnel, ensuring that appropriate and effective radiation protection practices are taught;

(c) Ensuring that required radiation surveys and leak tests are performed and documented in accordance with the regulations, including any corrective measures when levels of radiation exceed established limits;

(d) Ensuring that personnel monitoring devices are calibrated and used properly by occupationally exposed person-

nel, that records are kept of the monitoring results, and that timely notifications are made as required by WAC 246-221-260; and

(e) Ensuring that operations are conducted safely and to assume control for instituting corrective actions including stopping of operations when necessary.

(4) The licensee will have until January 1, 2001, to meet the requirements of subsection (1) or (2) of this section.

#### AMENDATORY SECTION (Amending Order 245, filed 2/21/92, effective 3/23/92)

**WAC 246-243-050 Internal (~~audit~~) inspection program and training.** (1) Each licensee shall conduct the internal (~~audit~~) inspection of job performance required by WAC (~~(246-235-080(5)(c))~~) 246-235-084 at intervals not to exceed (~~three~~) six months. (~~The audit should be done by management or the radiation safety officer and shall cover a review or spot checks of the records required by WAC 246-220-020, 246-221-110, 246-221-160, 246-221-230, 246-243-080, 246-243-090, 246-243-100, 246-243-110, 246-243-120, 246-243-130, 246-243-150, 246-243-190, 246-243-200, and 246-243-220, and conditions of the license.~~

(2) ~~Each individual performing radiography shall be audited at intervals not to exceed three months during the performance of radiography, to assure that the license provisions, regulations, and the licensees operating and emergency procedures are followed by radiographers and radiographer's assistants. If a radiographer or a radiographer's assistant has not participated in a radiographic operation for more than three months since the last audit, that individual's performance must be observed and recorded the next time the individual participates in a radiographic operation. This audit shall be performed by the radiation safety officer, management, or the most experienced radiographers available. Results of this audit shall be recorded.~~

(3) ~~Records of the internal audits required by subsections (1) and (2) of this section shall be maintained for three years.~~

(4) ~~Training required by WAC 246-235-080 (5)(a) shall be conducted in accordance with the conditions of the license and subject to the following criteria:~~

(a) ~~Initial training must be completed before a person can act as a radiographer or radiographer's assistant;~~

(b) ~~Periodic retraining must be conducted at least annually;~~

(c) ~~Records showing compliance with these training requirements must be maintained for at least one year following termination of employment.)~~ Except as provided in subsection (1)(d) of this section, the radiation safety officer (RSO) or designee shall conduct an inspection program of the job performance of each radiographer and radiographer's assistant to ensure that the department's regulations, license requirements, and the licensee's operating and emergency procedures are followed. The inspection program shall:

(a) Include observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation, at intervals not to exceed six months; and

(b) Provide that, if a radiographer or a radiographer's assistant has not participated in an industrial radiographic

operation for more than six months since the last inspection, the radiographer must demonstrate knowledge of the training requirements of WAC 246-243-130 (1)(c) and the radiographer's assistant must redemonstrate knowledge of the training requirements of WAC 246-243-130 (2)(b) by a practical examination before these individuals can next participate in a radiographic operation.

(c) The department may consider alternatives in situations where the individual serves as both radiographer and RSO.

(d) In operations where a single individual serves as both radiographer and RSO, and performs all radiography operations, an inspection program is not required.

(2) The licensee shall provide annual refresher safety training for each radiographer and radiographer's assistant at intervals not to exceed twelve months.

(3) Each licensee shall maintain the following records for three years after the record is made:

(a) For semi-annual inspection of job performance, the record shall include:

(i) A list of the items checked; and

(ii) Any noncompliances observed by the RSO;

(b) For annual refresher safety training, the record shall include:

(i) A list of the topics discussed;

(ii) The dates the training was conducted; and

(iii) Names of the instructors and attendees.

AMENDATORY SECTION (Amending Order 184, filed 7/24/91, effective 8/24/91)

**WAC 246-243-060 Locking of radiographic exposure devices.** (1) Each radiographic exposure device shall be provided with a lock or outerlocked container designed to prevent unauthorized or accidental production of radiation or removal or exposure of a sealed source and shall be locked when returned to the shielded position at all times. If it is a keyed-lock, the key shall be removed at all times when not under the direct surveillance of a radiographer or a radiographer's assistant except at permanent radiographic installations as stated in WAC 246-243-170. In addition, during radiographic operations the sealed source assembly shall be locked in the shielded position each time the source is returned to that position.

(2) Each sealed source storage container and source changer shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. Storage containers and source changers shall be kept locked (and if a keyed-lock, with the key removed at all times) when containing sealed sources except when under the direct surveillance of a radiographer or a radiographer's assistant.

(3) Radiographic exposure devices, source changers, and storage containers, prior to being moved from one location to another and also prior to being secured at a given location, shall be locked and surveyed to assure that the sealed source is in the shielded position.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-080 Radiation survey instruments.** (1) The licensee shall maintain sufficient calibrated and operable radiation survey instruments at each location where radioactive material is present to make physical radiation surveys as required by this part and chapter 246-221 WAC. Instrumentation required by this section shall ~~((have a range such that two milliroentgens per hour through one roentgen per hour can be measured))~~ be capable of measuring a range from 0.02 millisieverts (2 millirems) per hour through 0.01 sievert (1 rem) per hour.

(2) Each radiation survey instrument shall be calibrated:

(a) At ~~((energies appropriate for use and at))~~ intervals not to exceed ~~((three))~~ six months and after each instrument servicing except for battery changes;

(b) Such that accuracy within  $\pm 20$  percent ~~((traceable to a national standard))~~ of the calibration source can be demonstrated at each point checked; and

(c) ~~((At two or more widely separated points, other than zero,))~~ For linear scale instruments, at two points located approximately one-third and two-thirds of full scale on each scale; for logarithmic scale instruments, at mid-range of each decade; and for digital instruments at three points between 0.02 and 10 millisieverts (2 and 1000 millirems) per hour.

(3) Records shall be maintained of these calibrations for three years after the calibration date for inspection by the department.

AMENDATORY SECTION (Amending WSR 99-05-012, filed 2/5/99, effective 3/8/99)

**WAC 246-243-090 Leak testing, repair, tagging, opening, modification, and replacement of sealed sources.**

(1) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing, repair, tagging, opening, or any other modification of any sealed source shall be performed only by persons specifically authorized to do so by the department, the United States Nuclear Regulatory Commission, or any agreement state.

(2) Each sealed source shall be tested for leakage at intervals not to exceed six months. Sealed sources that are in storage and not in use do not require leak testing, but must be tested before use or transfer to another person if the interval of storage exceeds six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested and results obtained.

(3) The leak test shall be capable of detecting the presence of 185 becquerels (0.005 microcurie) of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point where contamination might accumulate, by a procedure specifically approved in a license condition. Records of leak test results shall be kept in units of becquerels (microcuries) and maintained for inspection by the department for three years after the leak test is performed.

(4) Any test conducted (~~(pursuant to)~~) under subsections (2) and (3) of this section which reveals the presence of 185 becquerels (0.005 microcurie) or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed in accordance with regulations of the department. Within five days after obtaining results of the test, the licensee shall file a report with the department describing the involved equipment, the test results, and the corrective action taken.

(5) Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration must be tested for DU contamination at intervals not to exceed twelve months. The analysis must be capable of detecting the presence of 185 becquerels (0.005 microcuries) of radioactive material on the test sample and must be performed by a person specifically authorized by the department, the United States Nuclear Regulatory Commission or an agreement state to perform the analysis. If testing reveals the presence of 185 becquerels (0.005 microcuries) or more of removable DU contamination, the exposure device must be removed from use until an evaluation of the wear on the S-tube has been made. If the evaluation reveals that the S-tube is worn through, the device may not be used again. DU shielded devices do not have to be tested for DU contamination while in storage and not in use. Before using or transferring such a device however, the device must be tested for DU contamination if the interval of storage exceeded twelve months. A record of the DU leak-test results shall be kept in units of becquerels (microcuries) and maintained for inspection by the department for three years after the DU leak test is made or until the source in storage is removed. Licensees will have until January 1, 2001, to comply with the DU leak testing requirements of this section.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-100 Quarterly inventory.** Each licensee shall conduct a quarterly physical inventory to account for all sealed sources and for devices containing depleted uranium (DU) received or possessed. The records of the inventories shall be maintained for three years from the date of inventory for inspection by the department and shall include:

- (1) Exposure device or source changer make, model, and serial number;
- (2) Sealed source serial number and manufacturer;
- (3) Radionuclide and current activity in becquerels (curies) or mass (for DU) in each device;
- (4) Location of sealed source and/or device/changer;
- (5) Date of inventory;
- (6) Name of person who performed inventory.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-110 Utilization logs.** (1) Each licensee shall maintain current logs, which shall be kept available for inspection by the department for three years from the date of

the recorded event, at the address specified in the license showing for each sealed source and radiation exposure device the following information:

(a) A description (~~((or))~~) including the make ((and)), model and serial number) of each radiation exposure device or transport or storage container in which the sealed source is located:

(b) The identity and signature of the radiographer to whom assigned; and

(c) Locations where used and dates of use including the dates removed and returned to storage.

(2) A separately identified utilization log is not required if the equivalent information is available in records of the licensee and available at the address specified in the license.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-120 Inspection and maintenance of radiographic exposure devices, (~~(control cables,)) transport and storage containers ((and)), associated equipment, source changers, and survey instruments.~~** (1) ~~((The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, control units (to include cables), and source changers at intervals, not to exceed three months or prior to first use thereafter to assure proper functioning of components important to safety. Records of these inspections and maintenance shall be kept for three years.~~

(2) ~~The licensee shall check for obvious defects in radiographic exposure devices, storage containers, control assemblies, and source changers prior to use each day the equipment is used.~~

(3) ~~The licensee's program shall include a thorough visual inspection for corrosion, and specific maintenance procedures that address corrosion removal and prevention.~~

(4) ~~If any inspection conducted pursuant to subsections (1) or (2) of this section reveals damage to components critical to radiation safety, the device shall be removed from service until proper repairs have been made.~~

(5)) The licensee shall perform visual and operability checks on survey meters, radiographic exposure devices, transport and storage containers, associated equipment and source changers before use on each day the equipment is to be used to ensure that the equipment is in good working condition, that the sources are adequately shielded, and that required labeling is present. Survey instrument operability must be performed using check sources or other appropriate means. If equipment problems are found, the equipment must be removed from service until repaired.

(2) Each licensee shall have written procedures for:

(a) Inspection and routine maintenance of radiographic exposure devices, source changers, associated equipment, transport and storage containers, and survey instruments at intervals not to exceed three months or before the first use thereafter to ensure the proper functioning of components important to safety. Replacement components shall meet design specifications. If equipment problems are found, the equipment must be removed from service until repaired.

(b) Inspection and maintenance necessary to maintain the Type B packaging used to transport radioactive materials. The inspection and maintenance program must include procedures to assure that Type B packages are shipped and maintained in accordance with the certificate of compliance or other approval.

(3) Any maintenance performed on radiographic exposure devices and accessories shall be in accordance with the manufacturer's specifications.

(4) Records of daily checks and quarterly inspections including any equipment problems identified and of any maintenance performed under subsections (1) and (2) of this section shall be made and retained for three years. The record shall include:

- (a) The date of check or inspection;
- (b) Name of inspector;
- (c) Equipment involved;
- (d) Any problems found; and
- (e) What repair and/or maintenance, if any, was done.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-130 Limitations—Personal radiation safety requirements for radiographers and radiographers' assistants.** (1) No licensee shall permit any individual to act as a radiographer as defined in this chapter until such individual:

(a) Has been instructed in the subjects outlined in WAC 246-243-230, in addition to a minimum of two months of on-the-job training, and is certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in WAC 246-243-250, Appendix C or equivalent regulations of the United States Nuclear Regulatory Commission or an agreement state. The department maintains a list of recognized certifying entities for reference. The licensee may, until January 1, 2001, allow an individual who has not met the requirement of this subsection, to act as a radiographer after the individual has received training in the subjects outlined in WAC 246-243-230 and demonstrated an understanding of these subjects by successful completion of a written examination that was previously submitted to and approved by the department;

(b) Has received copies of and instruction in the regulations contained in chapters 246-220, ~~((246-222,))~~ 246-221, 246-222, 246-231, and 246-243 WAC, in the United States Department of Transportation regulations as referenced in chapter 246-231 WAC, and the applicable sections of appropriate license(s), and the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof by successful completion of a written or oral examination covering this material;

(c) Has ~~((demonstrated competence to use the source of radiation, related handling tools, and radiation survey instruments which will be employed in the individual's assignment))~~ received training in the use of the licensee's radiographic exposure devices, sealed sources, in the daily inspection of devices and associated equipment, and in the use of radiation survey instruments; and

(d) Has demonstrated understanding of the ~~((instructions in this paragraph))~~ use of radiographic exposure devices, sources, survey instruments and associated equipment described in subsection (1)(c) of this section by successful completion of ~~((written test and a field))~~ a practical examination on the subjects covered.

(2) No licensee shall permit any individual to act as a radiographer's assistant as defined in this ~~((part))~~ chapter until such individual:

(a) Has received copies of and instruction in the regulations contained in chapters 246-220, 246-221, 246-222, 246-231, and 246-243 WAC, in the United States Department of Transportation regulations as referenced in chapter 246-231 WAC, and the applicable sections of appropriate license(s), and the licensee's operating and emergency procedures;

(b) Has ~~((demonstrated))~~ developed competence to use under the personal supervision of the radiographer the ~~((sources of radiation, related handling tools))~~ radiographic exposure devices, sealed sources, associated equipment, and radiation survey instruments which will be employed in the individual's assignment; and

(c) Has demonstrated understanding of the instructions ~~((in this paragraph))~~ provided under (a) of this subsection by successfully completing a written ~~((or oral))~~ test ~~((and a field))~~ on the subjects covered and has demonstrated competence in the use of the hardware described in (b) of this subsection by successful completion of a practical examination on the ~~((subjects covered; and~~

~~((d) Records of the above training including copies of written tests and dates of oral tests and field examinations shall be maintained for at least one year following termination of employment))~~ use of such hardware.

(3) Each licensee shall maintain, for inspection by the department, records of training and ~~((testing))~~ certification which demonstrate that the requirements of subsections (1) and (2) of this section ~~((and WAC 246-235-080-5(a)))~~ are met. These records shall be maintained for three years after the record is made. The record shall include:

(a) Radiographer certification documents and verification of certification status;

(b) Copies of written tests;

(c) Dates of oral and practical examinations; and

(d) Names of individuals conducting and receiving the oral and practical examinations.

(4) Licensees will have until January 1, 2001, to comply with the certification requirements specified in subsection (1)(a) of this section, and the additional training requirements specified in subsections (1)(b) and (2)(a) of this section.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-140 Operating and emergency procedures.** The licensee's operating and emergency procedures shall include instructions in at least the following:

(1) The handling and use of sources of radiation to be employed such that no individual is likely to be exposed to radiation doses in excess of the limits established in chapter 246-221 WAC Standards for protection against radiation;

- (2) Methods and occasions for conducting radiation surveys;
- (3) Methods for controlling access to radiographic areas;
- (4) Methods and occasions for locking and securing sources of radiation including radiographic exposure devices, transport and storage containers, and sealed sources;
- (5) Personnel monitoring and the use of personnel monitoring equipment including steps that must be taken immediately by radiography personnel ~~((in the event))~~ if a pocket dosimeter is found to be off-scale or an alarm rate meter alarms unexpectedly;
- (6) Transportation to field locations, including packing of sources of radiation in the vehicles, ~~((posting))~~ placarding of vehicles when needed, and control of sources of radiation during transportation;
- (7) Minimizing exposure of individuals in the event of an accident;
- (8) Notifying proper personnel in the event of a theft, loss, overexposure or accident involving sources of radiation;
- (9) Maintenance of records;
- (10) The inspection ~~((and)),~~ maintenance, and operability checks of radiographic exposure devices, survey instruments, transport containers, and storage containers; ~~((and))~~
- (11) Identifying and reporting defects and noncompliance as required by these regulations; and
- (12) Source recovery procedures if the licensee will perform source recovery.

#### NEW SECTION

**WAC 246-243-141 Copies of operating and emergency procedures.** Each licensee shall maintain a copy of current operating and emergency procedures until the department terminates the license. Superseded material shall be retained for three years after the change is approved.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-150 Personnel monitoring control.** (1) No licensee shall permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such individual shall wear on the trunk of the body a combination of an approved personnel dosimeter such as a film or TLD badge, a direct reading pocket dosimeter, and an alarming rate meter. In permanent facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming rate meter is not required.

(a) Pocket dosimeters shall be capable of measuring exposures from zero to at least 200 milliroentgens. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters.

(b) A film or TLD badge or other approved personnel dosimeter shall be assigned to and worn by only one individual.

(c) Film badges must be replaced at periods not to exceed one month and TLDs must be replaced at periods not to exceed three months.

(d) After replacement, each film badge or TLD must be processed as soon as possible.

(2)(a) Direct reading dosimeters such as pocket dosimeters or electronic personal dosimeters shall be read and exposures recorded ~~((daily))~~ at the beginning and end of each shift. Pocket dosimeters shall be charged at the beginning of each ~~((working day))~~ shift. Pocket dosimeters shall be checked annually at periods not to exceed ~~((thirteen))~~ twelve months for correct response to radiation. Acceptable dosimeters shall read within plus or minus twenty percent of the true radiation exposure.

(b) Each alarming rate meter must:

(i) Be checked to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

(ii) Be set to give an alarm signal at a maximum preset rate of 5 mSv/hr. (500 mR/hr.);

(iii) Require special means to change the preset alarm functions; and

(iv) Be calibrated annually at periods not to exceed ~~((thirteen))~~ twelve months for correct response to radiation: Acceptable rate meters must alarm within plus or minus twenty percent of the true radiation exposure rate.

~~((c) A film or TLD badge shall be immediately processed if a pocket dosimeter is discharged beyond its range during normal use. The film or TLD badge reports received from the film or TLD badge processor and records of pocket dosimeter readings shall be maintained for inspection by the department until it authorizes their disposal.))~~ (3) If an individual's pocket dosimeter is found to be off-scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirem), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's film badge or TLD must be sent for processing within twenty-four hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. This determination shall be made by the RSO or the RSO's designee.

(4) If a film badge or TLD is lost or damaged, the worker shall cease work immediately until a replacement film badge or TLD is provided and the exposure is calculated for the time period from issuance to loss or damage of the film badge or TLD.

(5) Each licensee shall maintain the following exposure records:

(a) Direct reading dosimeter readings and yearly operability checks required by subsection (2) of this section for three years after the record is made.

(b) Records of alarm rate meter calibrations for three years after the record is made.

(c) Reports received from the film badge or TLD processor until the department terminates the licensee.

(d) Records of estimates of exposures as a result of: Off-scale personal direct reading dosimeters, or lost or damaged film badges or TLDs, until the department terminates the license.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-160 Supervision of radiographers' assistants.** Whenever a radiographer's assistant uses radiographic exposure devices, uses sealed sources or ~~((related source handling tools))~~ associated equipment, or conducts radiation surveys required by WAC 246-243-190 ~~((2), (3), (4), or (5)))~~ to determine that the sealed source has returned to the shielded position after an exposure, he or she shall be under the personal supervision of a radiographer, as defined in WAC 246-243-020. Personal supervision shall include (1) the radiographer's personal presence at the site where the sealed sources are being used, (2) the ability of the radiographer to communicate and give immediate assistance if required, and (3) the radiographer's ability to observe the performance of his/her assistant during the operations referred to in this section.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-170 Security—Precautionary procedures in radiographic operations.** (1) During each radiographic operation, the radiographer or radiographer's assistant shall maintain ~~((a))~~ continuous direct visual surveillance of the operation to protect against unauthorized entry into a high radiation area, as defined in chapter 246-220 WAC except:

~~((a) Where the high radiation area is equipped with a control device or alarm system as described in WAC 246-221-102(1); or~~

~~(b) Where the high radiation area is locked to protect against unauthorized or accidental entry-))~~ At permanent radiographic installations where all entryways are locked and the requirements of WAC 246-243-220 are met.

(2) When not in operation or when not under direct surveillance, portable radiation exposure devices shall be physically secured to prevent removal by unauthorized personnel.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-180 Posting.** ~~((Notwithstanding any provisions in paragraph WAC 246-221-130 areas in which radiography is being performed or in which a radiographic exposure device is being stored shall be conspicuously posted and access to the area shall be controlled as required by WAC 246-221-120 and 246-221-102(1).~~

~~(1) All potential radiation areas where industrial radiographic operations are to be performed shall be posted based on calculated or estimated exposure rates before industrial radiography operations begin.~~

~~(2) Each time the exposure device is relocated and/or the exposed position of the sealed source is changed, the requirements of subsection (1) of this section shall be met-))~~ All areas in which industrial radiography is being performed shall be conspicuously posted as required by WAC 246-221-120. Exceptions listed in WAC 246-221-130 do not apply to industrial radiographic operations.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-190 Radiation surveys and survey records.** ~~((1) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in WAC 246-243-080 is available and used at each site where radiographic operations are being performed and at the storage area whenever a radiographic exposure device, a storage container, or source is being placed in storage.~~

~~(2) A physical radiation survey shall be made after each radiographic exposure utilizing radiographic exposure devices or sealed sources of radioactive material to determine that the sealed source has been returned to its shielded position. The horizontal circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.~~

~~(3) A physical radiation survey shall be made to determine that each sealed source is in its shielded condition prior to securing the radiographic exposure device or storage container as specified in WAC 246-243-060. The horizontal circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.~~

~~(4))~~ The licensee shall:

(1) Conduct surveys with a calibrated and operable radiation survey instrument that meets the requirements of WAC 246-243-080.

(2) Using a survey instrument meeting the requirements of subsection (1) of this section, conduct a survey of the radiographic exposure device and the guide tube after each exposure when approaching the device or the guide tube. The survey shall determine that the sealed source has returned to its shielded position before exchanging films, repositioning the exposure head, or dismantling equipment.

(3) Conduct a survey of the radiographic exposure device with a calibrated radiation survey instrument any time the source is exchanged and whenever a radiographic exposure device is placed in a storage area to ensure that the sealed source is in its shielded position.

(4) Conduct a physical radiation survey ((shall be made)) of the boundary of the restricted area during radiographic operations not employing shielded room radiography. The maximum survey reading at the boundary shall be recorded. The records shall indicate approximate distance from source to boundaries, whether or not the exposed source is collimated and any occupied areas with exposure levels greater than 2 mR in any hour during radiographic operations.

(5) ((A survey with a calibrated and operable survey instrument shall be made any time a radiographic exposure device is placed into the storage area to ensure that the sealed source is in its shielded position. The horizontal circumference of the radiographic exposure device with emphasis on the source exit port must be surveyed.

(6)) Maintain a record of each exposure device survey conducted before the device is placed in storage if that survey is the last one performed in the workday, and records required by subsection((s-(3);)) (4)((-and-(5))) of this section

~~((shall include)), including~~ the model and serial number of the survey meter used ~~((and shall be maintained))~~, for inspection by the department for three years after completion of the survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the department authorizes their disposition.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-195 Reporting.** (1) In addition to the reporting requirements specified in other sections of the regulations, each licensee shall provide a written report to the department within thirty days of the occurrence of any of the following incidents involving radiographic equipment:

(a) Unintentional disconnection of the source assembly from the control cable.

(b) Inability to retract the source assembly to its fully shielded position and secure it in this position.

(c) Failure of any component (critical to safe operation of the device) to properly perform its intended function.

(2) The licensee shall include the following information in each report submitted under subsection (1) of the section.

(a) A description of the equipment problem;

(b) Cause of each incident, if known;

(c) Manufacturer and model number of equipment involved in the incident;

(d) Place, time, and date of incident;

(e) Actions taken to reestablish normal operations;

(f) Corrective actions taken or planned to prevent recurrence;

(g) Qualifications of personnel involved in the incident.

(3) Reports of overexposure submitted under WAC 246-221-260 which involve failure of safety components of radiographic equipment must also include the information specified in subsection (2) of this section.

(4) Any licensee conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of one hundred eighty days in a calendar year, shall notify the department prior to exceeding the one hundred eighty days.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-200 Records required at temporary job sites.** Each licensee conducting radiographic operations at a temporary site shall have copies of the following documents and records available at that site for inspection by the department:

(1) Appropriate license;

(2) Operating and emergency procedures;

(3) Applicable regulations;

(4) Survey records required pursuant to WAC 246-243-190 for the period of operation at the site;

(5) ~~((Daily pocket))~~ Direct reading dosimeter records for the period of operation at the site;

(6) The latest radiation survey instrument calibration record and leak test record for specific devices in use at the site;

(7) The latest calibration record for alarm rate meters and operability checks of pocket dosimeters and/or electronic personal dosimeters as required by WAC 246-243-150;

(8) Utilization records for each radiographic exposure device dispatched from that location as required by WAC 246-243-110;

(9) Records of equipment problems identified in daily checks of equipment as required by WAC 246-243-120;

(10) Records of alarm system and entrance control checks required by WAC 246-243-220, if applicable;

(11) The shipping papers for the transportation of radioactive materials; and

(12) When operating under reciprocity pursuant to WAC 246-232-040, a copy of the NRC or agreement state license authorizing the use of radioactive material.

#### **NEW SECTION**

**WAC 246-243-203 Form of records.** Each record required by this chapter must be legible throughout the specified retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, must include all pertinent information, such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-220 Special requirements for permanent radiographic installation.** ~~((Permanent radiographic installations having high radiation area entrance controls of the types described in WAC 246-221-102(1) or where the high radiation area is locked to protect against unauthorized or accidental entry, shall also meet the following special requirements:))~~

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation to which this section applies shall have either:

(a) An entrance control of the type described in WAC 246-221-102(1) that reduces the radiation level upon entry into the area; or

(b) Both conspicuous visible and audible warning signals to warn of the presence of radiation. The visible signal shall be actuated by radiation whenever the source is exposed. The audible signal shall be actuated when an attempt is made to enter the installation while the source is exposed.

~~((Both visible and audible alarm systems are required and shall be tested prior to the first use of a source in the installation and thereafter at intervals not to exceed three months. Records of the tests shall be kept))~~ The alarm system must be tested for proper operation with a radiation source

each day before the installation is used for radiographic operations. The test must include a check of both the visible and audible signals. Entrance control devices that reduce the radiation level upon entry (designated in subsection (1)(a) of this section) shall be tested monthly. If an entrance control device or an alarm is operating improperly, it must be immediately labeled as defective and repaired within seven calendar days. The facility may continue to be used during this seven-day period, provided the licensee implements the continuous surveillance requirements of WAC 246-243-170 and uses an alarming rate meter. Test records for entrance controls and audible and visual alarm must be maintained for three years after the record is made.

(3) The department shall review and approve, in advance of construction, plans for permanent radiographic installations whose construction had not commenced by the effective date of these regulations. Construction of the permanent facility shall be in accordance with the plans approved by the department.

(4) A physical radiation survey shall be conducted and results recorded following construction or major modification of the facility to be used in the installation. Radiography shall not be conducted if exposure levels in unrestricted areas are greater than 2 mR in any hour. Any increase in source strength will require resurvey of the installation prior to the conduct of industrial radiography.

**AMENDATORY SECTION** (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

**WAC 246-243-230 Appendix A—Minimum subjects to be covered in training radiographers.** (1) *Fundamentals of radiation safety*

- (a) Characteristics of ionizing radiation
- (b) Units of radiation dose (~~((mrem))~~) and quantity of radioactivity (~~((curie))~~)
- (c) Hazards of exposure to radiation
  - (i) Radiation protection standards
  - (ii) Biological effects of radiation dose
- (d) Levels of radiation from sources of radiation
- (e) Methods of controlling radiation dose
  - (i) Working time
  - (ii) Working distances
  - (iii) Shielding
- (2) *Radiation detection instrumentation to be used*
  - (a) Use of radiation survey instruments
    - (i) Operation
    - (ii) Calibration
    - (iii) Limitations
  - (b) Survey techniques
  - (c) Use of personnel monitoring equipment
    - (i) Film badges
    - (ii) Pocket dosimeters
    - (iii) Thermoluminescent dosimeters
    - (iv) Alarming rate meters
- (3) *Radiographic equipment to be used*
  - (a) Operation and control of remote handling equipment, radiographic exposure equipment, and storage containers, including pictures or models of source assemblies (pigtailed)

(b) (~~((Radiographic exposure devices and sealed sources))~~) Inspection and maintenance of equipment

(c) Storage (~~((containers))~~), control, and disposal of licensed material

(4) *The requirements of pertinent federal and state regulations*

(5) *The licensee's written operating and emergency procedures*

(6) *Case histories of radiography accidents.*

#### NEW SECTION

**WAC 246-243-250 Appendix C—Radiographer certification.** (1) Requirements for an independent certifying organization. An independent certifying organization shall:

(a) Be an organization such as a society or association, whose members participate in, or have an interest in, the fields of industrial radiography;

(b) Make its membership available to the general public nationwide that is not restricted because of race, color, religion, sex, age, national origin or disability;

(c) Have a certification program open to nonmembers, as well as members;

(d) Be an incorporated, nationally recognized organization that is involved in setting national standards of practice within its fields of expertise;

(e) Have an adequate staff, a viable system for financing its operations, and a policy- and decision-making review board;

(f) Have a set of written organizational by-laws and policies that provide adequate assurance of lack of conflict of interest and a system for monitoring and enforcing those by-laws and policies;

(g) Have a committee, whose members can carry out their responsibilities impartially, to review and approve the certification guidelines and procedures, and to advise the organization's staff in implementing the certification program.

(h) Have a committee, whose members can carry out their responsibilities impartially, to review complaints against certified individuals and to determine appropriate sanctions;

(i) Have written procedures describing all aspects of its certification program, maintain records of the current status of each individual's certification and the administration of its certification program;

(j) Have procedures to ensure that certified individuals are provided due process with respect to the administration of its certification program, including the process of becoming certified and any sanctions imposed against certified individuals;

(k) Have procedures for proctoring examinations, including qualifications for proctors. These procedures must ensure that the individuals proctoring each examination are not employed by the same company or corporation (or a wholly owned subsidiary of such company or corporation) as any of the examinees;

(l) Exchange information about certified individuals with the department, the US Nuclear Regulatory Commis-

**WSR 00-08-021**  
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**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed March 24, 2000, 3:15 p.m.]

sion, other independent certifying organizations and/or agreement states and allow periodic review of its certification program and related records; and

(m) Provide a description to the department of its procedures for choosing examination sites and for providing an appropriate examination environment.

(2) Requirements for certification programs. All certification programs must:

(a) Require applicants for certification to:

(i) Receive training in the topics set forth in WAC 246-243-230 or equivalent NRC or agreement state regulations; and

(ii) Satisfactorily complete a written examination covering these topics;

(b) Require applicants for certification to provide documentation that demonstrates that the applicant has:

(i) Received training in the topics set forth in WAC 246-243-230 or equivalent NRC or agreement state regulations;

(ii) Satisfactorily completed a minimum period of on-the-job training; and

(iii) Received verification by an agreement state or a NRC licensee that the applicant has demonstrated the capability of independently working as a radiographer;

(c) Include procedures to ensure that all examination questions are protected from disclosure;

(d) Include procedures for denying an application, revoking, suspending, and reinstating a certificate;

(e) Provide a certification period of not less than three years nor more than five years;

(f) Include procedures for renewing certifications and, if the procedures allow renewals without examination, require evidence of recent full-time employment and annual refresher training;

(g) Provide a timely response to inquiries, by telephone or letter, from members of the public, about an individual's certification status.

(3) Requirements for written examinations.

All examinations must be:

(a) Designed to test an individual's knowledge and understanding of the topics listed in WAC 246-243-230 or equivalent NRC or agreement state requirements;

(b) Written in a multiple-choice format;

(c) Have test items drawn from a question bank containing psychometrically valid questions based on the material in WAC 246-243-230.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-243-210	Special requirements for enclosed radiography.
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Date of Adoption: March 24, 2000.

Purpose: Amend WAC 388-310-1850, to clarify client eligibility, timeliness in the fair hearing procedure, the availability of funding for bonus payments, and removing the restrictions around the timing of the cash incentive.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-1850.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.050.

Adopted under notice filed as WSR 00-04-091 on February 2, 2000.

Changes Other than Editing from Proposed to Adopted Version: Add to subsection (5): You are eligible for cash incentives when you: (a) Enroll in RWW, (b) complete RWW job search activities, (c) go to work.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 24, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-14-044, filed 6/30/99, effective 7/31/99)

**WAC 388-310-1850 Re-employ Washington Workers (RWW). (1) What is the Re-employ Washington Workers (RWW) program?**

Re-employ Washington Workers (RWW) is an eight-week job search program administered by the employment security department to help low-income parents connect with jobs as rapidly as possible. The RWW program and services are offered at selected sites throughout Washington state. RWW participation satisfies unemployment insurance work search requirements while providing additional services and activities.

**(2) Who can participate in RWW?**

You can participate in RWW if:

(a) You are a Washington state resident; and

~~(b) You worked and earned enough to establish ((an) a Washington unemployment insurance benefit claim (see RCW 50.04.030), regardless of why your job ended; and~~

~~((b)) (c) Your family's income during the base year used to establish your unemployment insurance claim was not more than one hundred seventy-five percent of the federal poverty level ((during the time period on which your unemployment insurance claim is based; and~~

~~(e)) for your family's size. See WAC 388-290-400 for a definition of family and WAC 388-450-0030, 388-450-0025, and 388-450-0015 for definitions of income.~~

~~(d) You do not currently receive TANF or SFA cash assistance; and~~

~~((d) You have)~~

~~(e) On the date your unemployment insurance application was filed, you had a dependent child under eighteen years of age living in your household; and~~

~~(f) The dependent child lives in your household more than fifty percent of the time.~~

**(3) How do I get into RWW?**

To get into RWW, you must first apply for unemployment insurance ~~((and establish an unemployment insurance benefit claim))~~. A job service specialist who has been trained to do the RWW program will screen your claim and contact you if it appears that you qualify. The RWW job service specialist will then determine your eligibility based on ~~((additional))~~ the criteria of subsection (2) using income and family information you provide.

**(4) What happens when I participate in RWW?**

(a) In addition to any unemployment insurance benefits you receive during your claim period, you also get:

(i) Intensive job referral services (including a thirty-hour, job search workshop within the first four weeks of participation, and access to the resource room);

(ii) Help with paying your child care costs under the working connections child care program (see chapter 388-290 WAC for program rules);

(iii) Support services to help you participate in work and RWW activities, following the guidelines in WAC 388-310-0800.

~~(b) ((You may also qualify for cash incentives if you meet the following requirements:~~

~~(i) You participate in the RWW program; and~~

~~(ii) Go to work within six weeks; and~~

~~(iii) Are still working twelve weeks later in a job that takes you off unemployment insurance)) RWW also provides cash incentives, within available funds, to encourage rapid re-employment.~~

**(5) How much of a cash incentive can I receive?**

~~((If you return to work with earnings high enough to make you ineligible for unemployment insurance benefits, you can receive a RWW cash incentive once during the time period your unemployment insurance claim is based on. Earnings are calculated in accordance with the unemployment insurance laws in RCW 50.04.320. The cash incentives are as follows:~~

CASH INCENTIVES			
Average gross weekly earnings	Employed within four weeks	Employed in week five or six	Employed in week seven or eight
At or above earnings from your last job*	\$300	\$100	N/A**
Below the earnings from your last job*	\$200	\$100	N/A**

\*"Last job" means your most recent job that meets the definition of work in WAC 388-310-0400 (2)(a).  
 \*\*Although you do not qualify for a cash incentive, you would continue to receive support services and child care assistance provided you continue to participate.)

You may receive a total of up to three hundred dollars in RWW cash incentives per unemployment insurance benefit year (that is, the one year period that begins on the date you filed your unemployment insurance application). You are eligible for cash incentives when you:

(a) Enroll in RWW.

(b) Complete RWW job search activities.

(c) Go to work.

**(6) What are the requirements to participate in RWW?**

To be eligible for RWW program benefits, you must participate in RWW program activities, including:

(a) Attend a thirty-hour job search workshop as soon as possible (during your first four weeks in the program);

(b) Report to the RWW program site ~~((daily during the first four weeks and sign in))~~ to get job leads(;

~~(e))~~ and meet with fellow job seekers to support and encourage each members' job search efforts ~~((sometimes called the RWW job club);~~

~~(d) Report to the RWW program site at least twice a week during weeks five to eight and sign in to receive job leads)).~~

**(7) Can I continue to participate in RWW if I don't find a job in eight weeks?**

Your participation in RWW may be extended for an additional eight weeks if:

(a) You meet the participation requirements and

(b) RWW staff determine that an additional eight weeks of participation is likely to help you find a job.

**(8) Can my RWW services be stopped once I enter the program?**

If you do not follow RWW program requirements, RWW services will be stopped.

**(9) What can I do if I ~~((disagree with a decision about my))~~ do not receive RWW services or benefits I think I should get?**

If you ~~((disagree with the decision about your))~~ do not receive RWW services or benefits that you think you should get, you can:

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(a) Ask an RWW job service specialist to take a statement from you (~~(explaining the reason you disagree)~~) asking for a written decision about the services or benefits.

(b) (~~(To determine if the decision was correct, the)~~) Local employment security department (~~(local job service center)~~) management will review your statement and let you know their decision, in writing, within fifteen days.

(c) If you disagree with the local management decision, you may request a (~~(final)~~) review by the employment security department regional office. You must request this review within thirty days of the local management decision.

(d) (~~(You may request a fair hearing under chapter 388-08 WAC)~~) The regional office will notify you in writing of their decision within fifteen days of receipt of your request.

(e) If you want to appeal the decision of the employment security department regional office, you may request a fair hearing under chapter 388-08 WAC. You must file your request for fair hearing within ninety days of the date you receive the regional office decision.

**(10) Can I go back into the RWW program if (~~(there were interruptions in my participation)~~) I was dropped from the program?**

(RWW job search is designed to last for eight consecutive weeks. If you stopped participating but you are now able and willing to participate, you may complete the balance of your eight-week job search activities and receive the related RWW services and benefits) If you were dropped from the program, you may contact a RWW specialist to find out if you can resume RWW participation. You may resume RWW participation if the RWW specialist determines that:

(a) You have not exhausted your unemployment insurance benefits; and

(b) It has not been more than one year since you applied for unemployment insurance benefits.

### WSR 00-08-032

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed March 28, 2000, 4:25 p.m.]

Date of Adoption: March 28, 2000.

Purpose: To clarify the collection and handling of dishonored checks for vehicle/title transactions, motor vehicle fuel tax, special fuel tax, aircraft fuel tax and reciprocity and proration.

Citation of Existing Rules Affected by this Order: Amending WAC 308-04-020 and 308-91-150.

Statutory Authority for Adoption: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2).

Adopted under notice filed as WSR 00-05-014 on February 7, 2000.

Changes Other than Editing from Proposed to Adopted Version: Revised WAC 308-04-020 into the question and answer format, no other changes were added.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 3, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 28, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 99-01-104, filed 12/17/98, effective 1/17/99)

WAC 308-04-020 ((Reasonable)) Handling fee for dishonored checks in payment of vehicle or vessel licenses and certificates of ownership. ((Whenever registrations, licenses, or permits relating to the licensing or registration of vehicles or vessels have been paid for by checks to county auditors, agents, and subagents appointed or approved by the director pursuant to RCW 46.01.140, if the check has been dishonored by nonacceptance or nonpayment, a handling fee, in an amount not to exceed twenty-five dollars may be assessed for each such instrument. County auditors, agents, and subagents, may collect restitution, and where they have collected restitution may retain the reasonable handling fee.))

(1) Will the department accept a check for registrations, licenses, permits or certificates of ownership for vehicles or vessels? Yes, registrations, licenses, or permits relating to the licensing or titling of vehicles or vessels may be paid by check to county auditors, agents, vehicle licensing offices and subagents appointed or approved by the director under RCW 46.01.140.

(2) If my check is dishonored, do I have to pay a handling fee? Yes, when a financial institution dishonors a check by nonacceptance, stop payment, or nonpayment, a handling fee in the amount of twenty-five dollars will be assessed for each check.

(3) Who may collect the fee for dishonored checks? County auditors, agents, department vehicle licensing offices and subagents may collect and retain the handling fee.

#### NEW SECTION

WAC 308-72-720 Dishonored checks. (1) What will happen if my check becomes dishonored? A dishonored check represents failure to pay motor vehicle fuel taxes, fees and/or penalties and interest when due, and the department will enforce such motor fuel licensing and taxing laws as are necessary to recover the unpaid taxes and fees when they become due and payable.

(2) **What form of payment does the department require for dishonored checks?** Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) **Are there any additional fees charged for a dishonored check (DHC)?** Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

#### NEW SECTION

**WAC 308-77-290 Dishonored checks.** (1) **What will happen if my check becomes dishonored?** A dishonored check represents failure to pay special fuel taxes, fees and/or penalties and interest when due, and the department will enforce such special fuel licensing and taxing laws as are necessary to recover the unpaid taxes and fees when they become due and payable.

(2) **What form of payment does the department require for dishonored checks?** Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) **Are there any additional fees charged for a dishonored check (DHC)?** Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

#### NEW SECTION

**WAC 308-78-100 Dishonored checks.** (1) **What will happen if my check becomes dishonored?** A dishonored check represents failure to pay aircraft fuel taxes, fees and/or penalties and interest when due, and the department will enforce such aircraft fuel licensing and taxing laws as are necessary to recover the unpaid taxes and fees when they become due and payable.

(2) **What form of payment does the department require for dishonored checks?** Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) **Are there any additional fees charged for a dishonored check (DHC)?** Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

AMENDATORY SECTION (Amending WSR 95-05-045, filed 2/10/95, effective 3/13/95)

**WAC 308-91-150** (~~(Form of payment required)~~) **Dishonored checks.** (~~((1) Assessments for proportional registration fees/taxes due the state of Washington shall be paid in United States funds unless guaranteed payment is specifically required by the department.~~)

(2) ~~Any registrant who tenders a check that is subsequently dishonored by the bank or other financial institution upon whom it was drawn, may be required to tender all subsequent payments in person by cash or by cashier's check, certified check, traveler's check, or money order.~~

(3) ~~A handling fee in the amount of fifteen dollars shall be assessed the drawer for each check dishonored by the bank or other financial institution upon whom it was drawn and interest on the amount of each check shall accrue from the date of dishonor at the rate of twelve percent per annum. The interest and handling fee shall be deposited into the highway safety fund.)~~ (1) **What will happen if my check becomes dishonored?** A dishonored check represents failure to pay proportional registration, fees and/or penalties and interest when due, and the department will enforce such proportional registration licensing and taxing laws as are necessary to recover the unpaid fees when they become due and payable.

(2) **What form of payment does the department require for dishonored checks?** Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) **Are there any additional fees charged for a dishonored check (DHC)?** Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

WSR 00-08-035

PERMANENT RULES

DEPARTMENT OF LICENSING

(Real Estate Commission)

[Filed March 29, 2000, 12:05 p.m., effective July 1, 2000]

Date of Adoption: March 16, 2000.

Purpose: Most of these rule changes are a result of regulatory improvement initiatives in compliance with the Governor's Executive Order 97-02. Also defines prospect procurement to clarify statutory definitions, and revises the broker's "pooled interest bearing" trust account rule to comply with 1999 legislation increasing deposit amounts.

Citation of Existing Rules Affected by this Order: Amend WAC 308-124-021 Definitions, adds new subsection to define statutory term "prospect procurement" as it relates to real estate licensees standards of practice.

Amend WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions, revises broker's "pooled interest bearing" trust account

deposit threshold to conform with 1999 legislative action enacted under SB 5442.

Amend WAC 308-124H-011 Course approval required, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations.

New WAC 308-124H-012 Course titles reserved for prescribed curriculum courses, this section has been moved and proposed as a new section to enhance understanding of process.

New WAC 308-124H-013 Application process for previously approved courses, this section is proposed to address department's need for processing renewal applications.

Amend title and WAC 308-124H-025 General requirements for course approval, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations, and changing educational standards.

New WAC 308-124H-026 Secondary education provider course content approval application, proposed rule needed to address and clarify current department operating policies and procedures.

New WAC 308-124H-027 Distance education delivery methods—Defined, this section is needed to address new education course delivery technologies and changing education standards and practices.

New WAC 308-124H-028 Interactive—Defined, this section is needed to address and define new education course delivery standards and practices.

New WAC 308-124H-029 Distance education delivery method approval required, this section is needed to describe course requirements for new education course delivery technologies and changing education standards and practices.

New WAC 308-124H-031 Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO), this section provides a course approval alternative for interested education providers and course developers.

New WAC 308-124H-034 Courses completed in other jurisdictions, this section has been moved and proposed as a new section to enhance understanding of process, and to address changing educational and regulatory standards.

New WAC 308-124H-039 Changes and updates in approved courses, portions of this new section contain language moved from previous sections, and also reflect amendatory changes to address changing department policy considerations.

Amend title and WAC 308-124H-041 Certificate of course completion, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations, and changing educational standards.

New WAC 308-124H-042 Courses offered in symposium or conference format, proposed rule needed to address and clarify department's policies regarding changing industry standards and practices.

Amend WAC 308-124H-051 Disciplinary action—Procedures—Investigation, proposed change deletes subsection (3) as it is duplicative of provisions in WAC 308-124H-300.

Amend WAC 308-124H-061 Grounds for denial or withdrawal of course approval, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations, and changing educational standards.

Amend WAC 308-124H-062 Hearing procedures, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations, and changes necessitated by previous rule adoptions.

Amend title and WAC 308-124H-210 School and school administrator approval required, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations.

New WAC 308-124H-221 Application process for previously approved schools, this section is proposed to address department's need for processing renewal applications.

Amend WAC 308-124H-230 Application for school approval, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations, and changes necessitated by previous rule adoptions.

New WAC 308-124H-245 Administrator responsibilities, this section has been moved and proposed as a new section to address enhanced requirements reflecting changing industry and regulatory standards.

New WAC 308-124H-246 Affiliated representative of an approved school—Defined—Tasks and duties described, this proposed section addresses enhanced requirements reflecting changing industry and regulatory standards.

Amend WAC 308-124H-260 Required publication, proposed changes reflect streamlining, reformatting, modernizing, and eliminating changes to address regulatory improvement rule review plan recommendations.

Amend WAC 308-124H-270 Course description, proposed changes reflect streamlining, reformatting, modernizing, and eliminating changes to address regulatory improvement rule review plan recommendations.

Amend WAC 308-124H-290 Change of ownership or circumstances, proposed changes reflect streamlining, reformatting, modernizing, and eliminating changes to address regulatory improvement rule review plan recommendations.

Amend WAC 308-124H-300 Disciplinary action—Procedures—Investigation, proposed changes reflect the addition of distance education delivered courses to the requirements.

Amend title and WAC 308-124H-310 Grounds for denial or withdrawal of school or school administrator approval, proposed changes reflect regulatory improvement rule review plan recommendations.

Amend WAC 308-124H-320 Hearing procedure, proposed change necessitated by previous rule adoptions.

Amend WAC 308-124H-510 Instructor approval required, proposed changes reflect streamlining, reformatting, and modernizing to address regulatory improvement rule review plan recommendations.

New WAC 308-124H-525 Application process for previously approved instructors, this section is proposed to address department's need for processing renewal applications.

Amend WAC 308-124H-530 Certificate of instructor approval, proposed change needed to address and clarify department's current policies and practices.

New WAC 308-124H-551 Guest lecturer—Defined, this section is proposed to address department's current policies and procedures.

Amend WAC 308-124H-580 Hearing procedure, proposed change necessitated by previous rule adoptions.

Amend WAC 308-124H-800 Real estate course, school, and instructor approval fees, proposed changes reflect streamlining, reformatting, modernizing, and eliminating changes to address regulatory improvement rule review plan recommendations.

Repeal WAC 308-124H-021 Approval of courses, 308-124H-220 Approval of schools, 308-124H-240 Administrator qualifications, and 308-124H-520 Approval of instructors, these sections have been moved to other sections and are no longer needed.

Statutory Authority for Adoption: RCW 18.85.040.

Other Authority: The Governor's Order on Regulatory Improvement 97-02.

Adopted under notice filed as WSR 00-03-063 on January 18, 2000.

Changes Other than Editing from Proposed to Adopted Version: All the proposed amendatory changes to WAC 308-124H-270(10) were eliminated, except deleting the word "substantive" in line three of the subsection.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 18, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 15, Amended 20, Repealed 4; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2000.

March 28, 2000

Fred Stephens  
Director

**AMENDATORY SECTION** (Amending WSR 99-03-042, filed 1/14/99, effective 2/14/99)

**WAC 308-124-021 Definitions.** Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(1) "Designated broker" is the natural person designated by a corporation, limited liability company, limited liability partnership or partnership to act as a broker on behalf of the

corporation, limited liability company, limited liability partnership or partnership. The designated broker must be an officer of the corporation, manager or member of the limited liability company, partner of the limited liability partnership or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(2) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(3) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(4) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

(5) "Prospect procurement" is initiating contact with a prospective buyer, seller, landlord or tenant for the purpose of engaging in a sale, lease or rental of real estate or a business opportunity, and the contact is initiated under a promise of compensation.

**AMENDATORY SECTION** (Amending WSR 91-23-006, filed 11/7/91, effective 12/8/91)

**WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions.**

The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as housing trust fund account for deposit of trust funds which are ~~((five))~~ ten thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees; which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than ~~((five))~~ ten thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in (a) of this subsection shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in (b)(i) of this subsection, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker shall deliver the deposit to the party designated to hold the funds, unless the parties to the transaction instruct otherwise in writing. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement. A dated receipt will be obtained and placed in the transaction file.

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 7/1/95)

**WAC 308-124H-011 Course approval required.** (1) Any ~~((approved school or approved instructor desiring to offer clock hour courses must receive))~~ education provider or

course developer may submit a course to the department for approval.

(2) Course approval by the department is required prior to the date on which ((it first offers)) the course(((s))) is offered for clock hour credit.

~~(((2) Any approved school or approved instructor desiring to offer fundamentals, business management, broker management, real estate law, and/or practices shall utilize the most recent course curriculum or course content prescribed by the department. Approved school administrators shall ensure each student receives the course curriculum or course content and completes a course evaluation form approved by the department.))~~ (3) Each application for approval of a course shall be submitted to the department on the appropriate application form provided by the department.

(4) The director or designee shall approve, disapprove, or conditionally approve applications based upon criteria established by the commission.

(5) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire two years after the effective date of approval.

#### NEW SECTION

**WAC 308-124H-012 Course titles reserved for prescribed curriculum courses.** Any approved school desiring to offer fundamentals, business management, broker management, real estate law, and/or real estate practices shall utilize the most recent course curriculum prescribed by the department, and shall include in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," or "real estate practices" if submitted for approval for clock hours. No other courses shall use these phrases in their titles.

#### NEW SECTION

**WAC 308-124H-013 Application process for previously approved courses.** (1) If there are no changes in course content or in the original course approval application for a previously approved course, the course will be approved upon receipt of a course renewal application and payment of the required fee.

(2) If there are changes in course content or in the original course approval application for a previously approved course, other than updating for changes required by WAC 308-124H-039, the application will not be processed as a renewal, and will require completion of a course approval application and payment of the required fee.

(3) If a course renewal application or a course approval application is submitted at least thirty days prior to the current course expiration date, the previous course approval shall remain in effect until action is taken by the director.

**AMENDATORY SECTION** (Amending WSR 97-01-027, filed 12/10/96, effective 1/10/97)

**WAC 308-124H-025 ((Application)) General requirements for course approval.** Courses shall meet the following requirements: (1) Be offered by a private entity approved by the director to operate as a school:

(2) Be offered by a tax-supported, public technical or community college or other institution of higher learning that certifies clock hours as indicated in RCW 18.85.010(9), consistent with the approval standards prescribed by the director and this chapter:

(3) Have a minimum of three hours of ((classroom)) course work or instruction for the student. A ((classroom)) clock-hour is a period of fifty minutes of actual ((classroom or workshop)) instruction((- exclusive of examination time));

((2)) (4) Provide practical information related to the practice of real estate in any of the following real estate topic areas: Fundamentals, practices, principles/essentials, real estate law, legal aspects, brokerage management, business management, taxation, appraisal, evaluating real estate and business opportunities, property management and leasing, construction and land development, ethics and standards of practice, ((eserow closing/settlement)) real estate closing practices, current trends and issues, finance, hazardous waste and other environmental issues, commercial, ((advertising (Regulation Z), agent supervision and broker responsibility, selling, listing, and marketing of)) real estate sales and marketing, ((theory and practices of relocation, or)) instructor development or the use of computers and/or other technologies as applied to the practice of real estate;

((3)) (5) Be under the supervision of an ((approved)) instructor approved to teach the ((course in the classroom at all sessions and offered by an approved school provided that, if the instructional methods include the use of prerecorded audio and/or visual instructional materials, presentation shall be under the supervision of a monitor at all times and an approved instructor who shall, at a minimum, be available to respond to specific questions from students;

(4) Shall not include the following topics for clock hours: Product marketing, personal motivation, sales motivation, personal promotion, stress management, personal improvement, personality profiles, office and personal skills, or sales promotion:)) topic area, who shall, at a minimum, be available to respond to specific questions from students on an immediate or reasonably delayed basis;

(6) The following types of courses will not be approved for clock hours: Course offerings in mechanical office and business skills, such as, keyboarding, speed-reading, memory improvement, language, and report writing; orientation courses for licensees, such as those offered by trade associations; and personal and sales motivation courses or sales meetings held in conjunction with a licensee's general business. Clock hours will not be awarded for any course time devoted to ((staff meetings, examinations;)) meals or transportation((-);

((5)) (7) Courses of thirty clock hours or more which are submitted for approval shall include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ninety questions,

and a requirement of passing course grade of at least seventy percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

((6)) (8) Include textbook or instructional materials approved by the director, which shall be kept accurate and current((- Course materials shall be updated no later than thirty days after the effective date of a change in statute or rules;

(7) Include in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," or "real estate practices" if submitted for approval for clock hours pursuant to WAC 308-124H-011. No other courses shall use these phrases in their titles); and

((8)) (9) Not have a title which misleads the public as to the subject matter of the course(;

(9) Be offered by a tax-supported, public technical or community college or any other institution of higher learning that may certify clock hours as indicated in RCW 18.85.010(9) or by a private entity approved by the director to operate as a school;

(10) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department no later than twenty days prior to the date of using the changed course content material, for approval by the director;

(11) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to chapter 308-124H WAC;

(12) A course completed in another jurisdiction may be approved for clock hour credit if:

(a) The course was offered by a tax-supported, public technical or community college, or any other institution of higher learning, or by a national institution with uniform scope and quality of representation, or was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; and

(b) The course satisfies the requirements of subsections (1) through (6) of this section, and includes a comprehensive examination and requirement of a passing course grade of at least seventy percent; and/or

(c) If the director determines that the course substantially satisfies the requirements of the real estate fundamentals course required under RCW 18.85.095 or satisfies the requirements of the law, brokerage management and business management courses required under RCW 18.85.090).

## NEW SECTION

**WAC 308-124H-026 Secondary education provider course content approval application.** (1) An approved school may offer courses that are currently approved for another education provider or course developer provided a secondary provider course content approval application is submitted to the department;

(2) The applicant must also provide written authorization by the original education provider/developer permitting use of the course content by the applicant;

(3) A certificate of course approval will be provided to the secondary education provider;

(4) The applicant must use the course approval number issued by the department on all certificates of course completion;

(5) Course approval is valid only for the dates of the original education provider/course developer's approval; and

(6) Secondary provider course content approval applications may not be used for real estate fundamentals, real estate brokerage management, real estate law, business management, or real estate practices.

#### NEW SECTION

**WAC 308-124H-027 Distance education delivery methods—Defined.** As used in this chapter, a distance education delivery method is one in which instruction takes place in other than a live classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, or internet-based instruction are used.

#### NEW SECTION

**WAC 308-124H-028 Interactive—Defined.** (1) As used in this chapter, interactive means the course structure and technologies promote active student involvement with the course content, including the ability to:

- (a) Access or bypass optional content, if applicable;
- (b) Submit questions or answer test items, and receive direct feedback; and
- (c) Communicate with the instructor and/or other students on an immediate or reasonably delayed basis.

(2) Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

#### NEW SECTION

**WAC 308-124H-029 Distance education delivery method approval required.** Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses for clock hours. When submitting a distance education delivery method application, the following minimum criteria must be provided by the applicant:

(1) Specify the course learning objectives for each learning unit and clearly demonstrate that the learning objectives cover the subject matter. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;

(2) Demonstrate how mastery of the material is provided by:

(a) Dividing the material into major learning units, each of which divides the material into modules of instruction;

(b) Specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered;

(c) Specifying an objective, quantitative criterion for mastery used for each learning objective and provide a structured learning method designed to enable students to attain each objective;

(3) Demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction;

(4) Describe consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;

(5) Demonstrate how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;

(6) Measure, at regular intervals, the student's progress toward completion of the mastery requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;

(7) Demonstrate that approved instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and FAX;

(8) Demonstrate how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify in writing that the student has completed the course, and the required number of clock hours;

(9) Provide a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims; and

(10) Provide an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics.

#### NEW SECTION

**WAC 308-124H-031 Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO).** An applicant who provides evidence of certification of the distance education delivery method for his or her course by the Association of Real Estate License Law Officials (ARELLO) need not submit an application for approval of the same distance education delivery method when delivering the same course within the state of Washington.

**NEW SECTION**

**WAC 308-124H-034 Courses completed in other jurisdictions.** A course completed in another jurisdiction may be approved for clock hour credit if:

(1) The course was offered by a tax-supported, public technical or community college, or any other institution of higher learning, and the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter;

(2) The course was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; or

(3) If the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter.

**NEW SECTION**

**WAC 308-124H-039 Changes and updates in approved courses.** (1) Course materials shall be updated no later than thirty days after the effective date of a change in federal, state, or local statutes or rules.

(2) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department prior to the date of using the changed course content material, for approval by the director.

(3) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the topic area pursuant to chapter 308-124H WAC.

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

**WAC 308-124H-041 Certificate of course completion.** Each approved school shall issue a certificate of course completion ~~((on a form, sample provided by the department;))~~ to students ~~((which))~~ who have satisfactorily completed the course requirements. The certificate shall include the following information:

(1) ~~((School's identification number issued by the department of licensing;~~

~~(2))~~ Student's name;

(2) School's name and identification number issued by the department;

(3) The course commencement date and completion date;

(4) Course title;

(5) Clock hours for the course;

(6) School administrator's signature;

(7) Course identification number issued by the department;

(8) Instructor name and number; and

(9) Completion of a required examination, if applicable.

**NEW SECTION**

**WAC 308-124H-042 Courses offered in a symposium or conference format.** (1) Approved schools offering

courses in a symposium or conference format with two or more modules of independent instruction may issue certificates of course completion for fewer clock hours than approved by the department on their original course approval application; and

(2) Students must complete a minimum of three clock hours of instruction to receive clock hour credit.

**AMENDATORY SECTION** (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-051 Disciplinary action—Procedures—Investigation.** (1) The department shall have the authority on its own motion or upon complaint made to it to investigate or audit any course to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved courses should be made in writing to the department and contain the following information when appropriate:

(a) The complainant's name, address, and telephone number;

(b) School name, address, and telephone number;

(c) Instructor(s) name;

(d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;

(e) An explanation of what efforts if any, have been taken to resolve the problem with the school;

(f) Copies of pertinent documents, publications, and advertisements.

~~((3) All approved courses shall be subject to periodic visits by an official representative of the department who shall observe classroom activities, evaluate course content and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.))~~

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

**WAC 308-124H-061 Grounds for denial or withdrawal of course approval.** Course approval may be denied or withdrawn if the instructor or any owner, ~~((employee, or))~~ administrator or affiliated representative of a school, or a course provider or developer:

(1) ~~((Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;~~

~~(2) Falsified any student records or clock hour certificates;~~

~~(3) Falsified any))~~ Submits a false or incomplete course application or any other information required to be submitted to the department;

~~((4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);~~

~~(5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;~~

~~(6) Failed to cooperate with the department in any investigation or hearing;~~

- (7) ~~Has been convicted of a crime;~~
- (8) ~~Violated any of the provisions of any local, state, or federal antidiscrimination law;~~
- (9) ~~Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered; after the director, by order in writing, stated objections thereto;~~
- (10) ~~Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;~~
- (11) ~~Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;~~
- (12) ~~Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;~~
- (13) ~~Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";~~
- (14) ~~Advertised, published, printed, or distributed false or misleading information;~~
- (15) ~~Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;~~
- (16) ~~Has failed to meet the requirements of this chapter.)~~ (2) Includes in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," and "real estate practice" if the course was not submitted for approval of clock hours pursuant to WAC 308-124H-012:
- (3) If the title of the course misleads the public and/or licensees as to the subject matter of the course;
- (4) If course materials are not updated within thirty days of the effective date of a change in the statute or rules;
- (5) If course content or material changes are not submitted to the department for approval prior to the date of using the changed course content.

AMENDATORY SECTION (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-062 Hearing procedure.** Upon notice of course denial or disapproval or ((issuance of charges)) withdrawal of course approval, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035 and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of denial, disapproval or ((charges)) withdrawal of course approval.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-210 School and school administrator approval required.** ~~((Any school desiring to offer clock hour courses must be approved))~~ (1) School and school administrator approval by the department is required prior to the date on which ((it first offers)) courses are offered for clock hour credit.

(2) Each application for approval of a school or school administrator shall be submitted to the department on the appropriate application form provided by the department. The most recent application form shall be obtained from the department prior to submission.

(3) The director or designee shall approve or disapprove applications based upon criteria established by the commission. The director or designee shall approve only complete applications which meet the requirements of this chapter.

(4) Upon approval or disapproval the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(5) No school for which approval is required shall promote a course for clock hour credit prior to approval of the school.

(6) No school shall allow an instructor for whom approval is required to supervise a course for clock hour credit prior to approval of the instructor.

(7) No school shall issue to a student certification for completion of an approved course unless the course had been approved prior to the first day of instruction.

(8) Approval shall expire two years after the effective date of approval.

(9) School names submitted that are similar to those currently approved shall not be granted approval.

#### NEW SECTION

**WAC 308-124H-221 Application process for previously approved schools.** (1) If there are no changes in the original school or school administrator approval application for a previously approved school or school administrator, the school or school administrator will be approved upon receipt of a school or school administrator renewal application and payment of the required fee.

(2) If there are changes in the original school or school administrator approval application for previously approved schools or school administrators, the application will not be processed as a renewal, and will require completion of a school or school administrator approval application and payment of required fees.

(3) If a school or school administrator renewal application or a school or school administrator approval application is submitted at least thirty days prior to the current school expiration date, the previous school or school administrator approval shall remain in effect until action to approve or disapprove the application is taken by the director.

**AMENDATORY SECTION** (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-230 Application for school approval.** An application for school approval shall include the following information attested to by the school's administrator, who shall be responsible for administration of the school:

(1) The complete legal name of the school, current telephone number, current mailing address, the school's administrative office address, and date of establishment;

(2) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation, limited liability company or limited liability partnership;

(3) ~~((The name(s) of the corporation, partnership, limited partnership or sole proprietorship, and the names, addresses and telephone numbers of all directors, with the exception of trade association directors, officers, and all those with ten percent or more ownership interest;~~

(4)) If the school is a corporation or a subsidiary of another corporation, current evidence of registration with the Washington secretary of state's office and the name, address, and telephone number of the corporation's registered agent;

~~((5))~~ (4) The administrator's name, ~~((address, telephone number,))~~ and evidence of previous experience in administration of educational institutions, courses or programs, previous experience in the administration of business activities related to real estate, or administrative experience in the field of real estate;

~~((6))~~ (5) The publication required under WAC 308-124H-260 and the course description required under WAC 308-124H-270.

#### NEW SECTION

**WAC 308-124H-245 Administrator responsibilities.** Each school administrator shall be responsible for performing the following:

(1) Ensure that the school, course(s), and instructor(s) are all currently approved before offering clock hour courses;

(2) Ensure that all instructors are approved to teach in the appropriate topic area(s);

(3) Sign and verify all course completion certificates;

(4) Maintain all required records for five years, including attendance records, required publications, and course evaluations;

(5) Safeguard comprehensive examinations;

(6) Ensure the supervision and demonstrate responsibility for the conduct of employees and individuals affiliated with the school;

(7) Periodically review courses and advise department of content currency as required;

(8) Ensure each student is provided a course curriculum; and

(9) Ensure each student is provided a course evaluation form.

#### NEW SECTION

**WAC 308-124H-246 Affiliated representative of an approved school—Defined—Tasks and duties described.**

(1) An affiliated representative of an approved school is the natural person employed by or associated with an approved real estate school, and who is authorized by the school administrator to perform the following tasks and duties:

(a) Conduct student orientation sessions;

(b) Provide technical and/or procedural advice regarding course requirements and program operations;

(c) Perform routine or periodic audits of student progress; and

(d) Perform other tasks delegated by the approved school administrator, not requiring the interpretation of course content or subject matter expertise.

(2) Responsibility for an affiliated representative in the performance of the tasks and duties described above shall rest with the approved school administrator.

**AMENDATORY SECTION** (Amending WSR 90-23-039, filed 11/15/90, effective 12/16/90)

**WAC 308-124H-260 Required publication.** Each school shall have available to prospective and enrolled students a publication containing the following information:

(1) Date of publication;

(2) Name and address of school. The name of the administrator and telephone number(s) of the school's administrative offices;

(3) A list of courses, ~~((including the clock hours approved for each course and the specific educational requirements under chapter 18.85 RCW that will be met by completion of the course. Such lists shall be accurate as of the date of publication))~~ as outlined in WAC 308-124H-270;

(4) Description of all course prerequisites;

(5) The school's policy regarding:

(a) Admission procedure;

(b) Causes for dismissal and conditions for readmission;

(c) Attendance requirements, leave, absences, makeup work, and tardiness;

(d) Standards of progress required of the student, including a definition of the grading system of the school, the minimum grades considered satisfactory, and the conditions for reentrance for those students whose course of study is interrupted;

(e) Refund policy of registration or tuition fees, record retrieval fee, or any other charges, including procedures a student shall follow to cancel enrollment before or after instruction has begun;

(6) The statement that: "This school is approved under chapter 18.85 RCW; inquiries regarding this or any other real estate school may be made to the: Washington State Department of Licensing, Real Estate Program, P.O. Box ~~((9012))~~ 9015, Olympia, Washington ~~((98504))~~ 98507-9015";

(7) Dated supplements or errata sheets so as to maintain accuracy of the information in the publication, which shall clearly indicate that such information supersedes that which it contradicts and/or replaces elsewhere in the publication.

**AMENDATORY SECTION** (Amending WSR 91-23-006, filed 11/7/91, effective 12/8/91)

**WAC 308-124H-270 Course description.** Each approved school shall have available for distribution to prospective and enrolled students a course description containing the following information:

- (1) Name of approved school;
- (2) Date(s) and location of the course;
- (3) The course title;
- (4) The educational objectives of the course;
- (5) The type of instruction (e.g., live classroom (~~lecture, audio-visual, computer-assisted~~) or distance education) in the course and the length of time required for completion;
- (6) The number of clock hours approved for the course, or, a statement that an application for approval is pending;
- (7) Name(s) of instructors when available;
- (8) Equipment and supplies which the student must provide;
- (9) Fees for the course;
- (10) The specific education requirements under chapter 18.85 RCW or chapter 308-124H WAC which will be met upon completion of the course students shall be informed, that for (~~substantive~~) courses of thirty clock hours or more, a comprehensive examination is available and is mandatory to satisfy the requirements of RCW 18.85.090 and 18.85.095;
- (11) Cancellation policy; and
- (12) Tuition refund policy.

**AMENDATORY SECTION** (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-290 Change of ownership or circumstances.** A change in the sole proprietor of a school, in the majority interest of general partners of a partnership owning a school, or in a majority stock ownership of a school shall be deemed a change of ownership.

Upon change of ownership(~~;~~) or administrator (~~or address of school~~), approval shall continue provided that a new application for approval shall be submitted to the department within twenty days after a change of ownership(~~;~~) or administrator(~~;~~ or address). The administrator must submit a notarized statement of the change asserting that all conditions required in these rules are being met. The school may continue to offer courses under the prior approval until action is taken on the new application. The school administrator is responsible for notifying the department of address changes.

In case of bankruptcy, a notarized statement reporting the information shall be filed with the department within twenty days.

Unless the above conditions are met, school approval shall be terminated upon a change of ownership.

**AMENDATORY SECTION** (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-300 Disciplinary action—Procedures—Investigation.** (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any school to determine compliance with

chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved schools should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
- (f) Copies of pertinent documents, publications, and advertisements.

(3) All approved schools shall be subject to periodic visits by an official representative for the department who (~~shall~~) may observe classroom and distance education activities, evaluate course content, exams and instructor proficiency to ensure that courses are being taught in accordance with the provisions (~~set forth~~) of this chapter.

**AMENDATORY SECTION** (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

**WAC 308-124H-310 Grounds for denial or withdrawal of school or school administrator approval.** Approval may be denied or withdrawn if the instructor or any owner, (~~employee, or~~) administrator, or affiliated representative of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime within the preceding ten years;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;
- (10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;
- (11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised, published, printed, or distributed false or misleading information;

(15) Advertised the availability of clock hour credit for a course in any manner without affixing the name of the school as approved by the department;

(16) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

~~((+6))~~ (17) Has failed to meet the requirements of this chapter;

~~((+7))~~ (18) Failed to teach a course consistent with the approved course content or curriculum;

(19) Used a substitute instructor who has not been approved to teach the topic area(s) pursuant to chapter 308-124H WAC.

AMENDATORY SECTION (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-320 Hearing procedure.** Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035 and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-510 Instructor approval required.** ~~((Any instructor desiring to teach clock hour courses must be approved))~~ (1) Instructor approval by the department is required prior to the date on which the ~~((school first offers courses))~~ course is offered for clock hour credit.

(2) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department.

(3) The director or designee shall approve or disapprove instructor applications based upon criteria established by the commission.

(4) The director or designee shall approve only complete applications which meet the requirements of this chapter.

(5) Upon approval or disapproval the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire two years after effective date of approval.

(7) Applicants shall identify on the application form the specific subject matter topic area or areas he or she proposes to teach.

#### NEW SECTION

**WAC 308-124H-525 Application process for previously approved instructors.** (1) If there are no changes in the original instructor approval application for a previously approved instructor, the instructor will be approved upon receipt of an instructor renewal form and payment of the required fee.

(2) If there are changes in an original instructor approval application for a previously approved instructor, the application will not be processed as a renewal, and will require completion of an instructor approval application and payment of required fees.

(3) If an instructor renewal application or an instructor approval application is submitted at least thirty days prior to the current instructor expiration date, the previous instructor approval shall remain in effect until action to approve or disapprove the application is taken by the director.

AMENDATORY SECTION (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-530 Certificate of instructor approval.** Upon approval an instructor shall be issued a certificate of approval containing the instructor's name, ~~((address,))~~ date of approval, ~~((and))~~ department identification number, and the subject matter topic areas that the instructor is approved to teach.

#### NEW SECTION

**WAC 308-124H-551 Guest lecture(s)—Defined.** A topic area expert(s) may be utilized as a guest lecturer to assist an approved instructor teach an approved course. The approved instructor is responsible for supervision of the approved course. Guest lecturer(s) shall not be utilized to circumvent the instructor approval requirements of this chapter.

AMENDATORY SECTION (Amending WSR 90-10-010, filed 4/20/90, effective 8/1/90)

**WAC 308-124H-580 Hearing procedure.** Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035, and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

**WAC 308-124H-800 Real estate course, school, and instructor approval fees.** The following fees shall be charged (~~by the department of licensing~~) for applications for approval of real estate courses, schools (~~offering the courses~~), and instructors. These fees shall be effective on and after July 1, (~~1995~~) 2000.

An application fee shall accompany each application. Approval, if granted, shall be two years from the date of approval. Applications submitted and disapproved may be resubmitted at no additional fee.

(1) Application for course content approval - a fee of \$5.00 per clock-hour credit being offered, with a minimum fee of \$50.00 per course. Except, the application fee for approval of the sixty clock-hour course in real estate fundamentals shall be \$150.00.

~~((An application fee shall accompany each application. Approval, if granted, shall be for two years from the date of approval.))~~ Courses approved prior to the effective date for this rule, need not apply for re-approval until the expiration of the current two-year approval period. ~~((Applications submitted and disapproved may be resubmitted at no additional fee.))~~

(2) Application for school approval - a fee of \$250.00 ~~((fee provides for two-year approval))~~.

~~((An application fee shall accompany each application. An application for school approval must include application for approval of the school's administrator. A school will not be approved unless the school's administrator is also approved. Approval, if granted, shall be for two years from the date of approval. All schools approved after August 1, 1990 and prior to the effective date of this rule, need not apply for re-approval until expiration of the current two-year approval period. Applications submitted and disapproved may be resubmitted at no additional fee.))~~

(3) Application for instructor approvals:

(a) Approval to teach a specific course on one occasion - a fee of \$50.00;

(b) Approval to teach as many subject areas as requested at time of initial application - a fee of \$75.00. Approval shall be for two years from the approval date;

(c) Approval to teach additional subject area(s) not requested at time of initial application or renewal - a fee of \$25.00 for each application to teach additional subject area(s). Approval, if granted, shall be for remainder of two-year approval period.

Applications submitted under (a), (b) and (c) above, and disapproved may be resubmitted at no additional fee.

~~((An application fee shall accompany each application.))~~ Instructors (~~approval~~) approved to teach a specific (~~course~~) topic area prior to the effective date of this rule, need not apply for reapproval until the expiration of the current two-year approval period. ~~((However, those instructors who wish approval to teach an additional subject area(s), must file an application and pay the appropriate \$25.00 application fee.))~~

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-124H-021	Approval of courses.
WAC 308-124H-220	Approval of schools.
WAC 308-124H-240	Administrator qualifications.
WAC 308-124H-520	Approval of instructors.

## WSR 00-08-038 PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 00-29—Filed March 29, 2000, 2:31 p.m., effective May 1, 2000]

Date of Adoption: February 4, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-12-018 Definitions—Landlocked chinook and coho; and amending WAC 220-16-257 Razor clam beds, 220-16-345 General definitions—Time, 220-16-590 Orchard Rocks Conservation Area and Marine Preserve, 220-20-010 General provisions, 220-56-103 Definitions—Landlocked chinook and coho, 220-56-105 River mouth definitions, 220-56-130 Unclassified marine invertebrates and fish, 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition, 220-56-175 Catch record cards, 220-56-185 Marine area codes, 220-56-205 Hook rules—Nonbuoyant lures and night closures, 220-56-235 Possession limits—Bottomfish, 220-56-240 Daily limits sturgeon, smelt, herring, and other food fish not otherwise provided for, 220-56-250 Lingcod—Areas and seasons, 220-56-280 Carp—Lawful gear and seasons, 220-56-295 Sturgeon—Unlawful acts, 220-56-310 Shellfish—Daily limits, 220-56-315 Crabs, shrimp, crawfish—Unlawful acts, 220-56-330 Crab—Area an seasons, 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons, 220-56-372 Razor clam sanctuaries, 220-56-380 Oysters—Areas and seasons, 220-57-160 Columbia River, 232-12-168 Fishing contests, 232-12-619 Permanent Washington state-wide game fish regulations, and 232-28-619 Washington gamefish—Exceptions to state-wide rules.

Statutory Authority for Adoption: RCW 75.08.080, 77.12.040.

Adopted under notice filed as WSR 99-22-105 on November 3, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-16-480, not adopted; WAC 220-16-590, boundary adjusted; WAC 220-16-730, retitled "Marine Preserve," boundary adjusted; WAC 220-16-740, retitled "Marine Reserve"; WAC 220-16-750, retitled "Marine Reserve"; WAC 220-20-010, corrected department designation, did not adopt skate and shark gaffing; WAC 220-56-145, retitled to add "gamefish"; WAC 220-56-205, deleted Drano Lake from restrictions; WAC 220-56-235, deleted unlawful to continue to fish provision; WAC 220-56-335, not

adopted; WAC 220-56-350, changed clam beach seasons to reflect stock status and Department of Health updates; WAC 220-56-380, Changed oyster beach seasons to reflect stock status and Department of Health updates; WAC 232-12-619, deleted possession of fish subsection, changed burbot setline to allow five hooks, restore wild steelhead seasonal limit; and WAC 232-12-619 [232-28-619], changed exceptions to reflect stock status updates, provide additional protection for coastal steelhead and provide fishing opportunity on upper Columbia River tributaries.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 27, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2000.

March 29, 2000

Debbie Nelson

for Kelly White, Chairman

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

**WAC 220-16-257 Razor clam beds.** "Razor clam beds" are defined as that portion of Pacific Ocean beaches westerly of a line (~~(500 feet seaward and parallel to the base of the primary dune or cliff or any portion of Pacific Ocean beaches posted as a razor clam bed and marked with boundary markers)~~) 150 feet waterward of the extreme upper limit of the hard sand area. The detached Willapa Bay Spits that are north of Leadbetter Channel, west of Ellen Sands and south of the Willapa Ship Channel are also defined as "razor clam beds," as are those portions of the mouths of Grays Harbor and Willapa Bay which contain razor clams.

**AMENDATORY SECTION** (Amending Order 1193, filed 3/4/75)

**WAC 220-16-345 General definitions—Time.** All Times referred to in any order or regulation shall be Pacific Standard Time, except that during the period from the ~~((last))~~ first Sunday in ((February to)) April through the last Sunday in October all times referred to shall be Pacific Daylight Time.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-16-590 Orchard Rocks Conservation Area.** "Orchard Rocks Conservation Area" is defined as those waters and bedlands of Rich Passage (~~((north and west))~~) within a 400-yard radius of Orchard Rocks (~~((between a line projected 85 degrees true from Orchard Rocks day marker and a line projected from Orchard Rocks day marker south-westerly through the R '6' flashing red (2.5s) buoy as well as all waters within 50 yards of Orchard Rocks))~~) day marker. All waters and bedlands within 400 yards of the day marker at Orchard Rocks not within the Orchard Rocks Conservation Area are included in the Orchard Rocks Marine Reserve.

**NEW SECTION**

**WAC 220-16-730 Colvos Passage Marine Preserve Area.** "Colvos Passage Marine Preserve Area" is defined as those waters and bedlands of Colvos Passage enclosed by a line starting at extreme low water on the west shore at 47° 20.87'N, thence due east 300 feet, thence southwesterly paralleling the shore for 500 feet, thence due west to the extreme low water line, thence northeasterly along the extreme low water line to the point of origin.

**NEW SECTION**

**WAC 220-16-740 Waketickeh Creek Marine Reserve.** "Waketickeh Creek Marine Reserve" is defined as those waters and bedlands from Waketickeh Creek (located 1000 yards northeast of Cummings Point) out perpendicular to shore 500 yards, then parallel to shore northeast 1700 yards, then back to shore along a line perpendicular to shore, excluding the area within 100 feet of ordinary high water.

**NEW SECTION**

**WAC 220-16-750 Saltar's Point Beach Marine Reserve.** "Saltar's Point Beach Marine Reserve" is defined as those tidelands owned by the Town of Steilacoom at Saltar's Point Beach located between Montgomery Street and Martin Street, and the water column above those tidelands.

**AMENDATORY SECTION** (Amending Order 98-122 [99-214], filed 7/15/98 [12/15/99], effective 8/15/98 [1/15/00])

**WAC 220-20-010 General provisions—Lawful and unlawful acts—Salmon, other food fish and shellfish.** (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the department (~~((of fisheries))~~).

(2) It shall be unlawful for any person to have in possession or under control or custody any food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fish-

ing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the commission or director (~~(of fisheries)~~), unless otherwise provided.

(3) It shall be lawful to fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	<i>(Hippoglossus stenolepis)</i>
Pacific herring (except as prescribed in WAC 220-49-020)	<i>(Clupea harengus pallasi)</i>
Salmon	
Chinook	<i>(Oncorhynchus tshawytscha)</i>
Coho	<i>(Oncorhynchus kisutch)</i>
Chum	<i>(Oncorhynchus keta)</i>
Pink	<i>(Oncorhynchus gorbuscha)</i>
Sockeye	<i>(Oncorhynchus nerka)</i>
Masu	<i>(Oncorhynchus masu)</i>

(4) It shall be unlawful for any person to fish for food fish or shellfish while in possession in the field of food fish or shellfish that are in violation of the harvest regulations for the area being fished. This regulation does not apply to vessels in transit.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked.

(a) Shellfish pot, bottom fish pot, set line and set net gear must be marked with a buoy to which shall be affixed in a visible and legible manner the department (~~(of fisheries)~~) approved and registered buoy brand issued to the license, provided that:

(i) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(ii) When two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(b) It is unlawful to operate any gill net, attended or unattended, unless there is affixed, within five feet of each end of the net, a buoy, float, or some other form of marker, visible on the corkline of the net, on which shall be marked in a visible, legible and permanent manner the name and gill net license number of the fisher.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the department (~~(of fisheries)~~), provided further that it shall be unlawful to take, fish for or possess food fish with any type of

commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the department (~~(of fisheries)~~).

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the department (~~(of fisheries)~~).

(9) It shall be unlawful for any person licensed (~~(under the fisheries code of Washington)~~) by the department to fail to make or return any report required by the department (~~(of fisheries)~~) relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, except as provided for in this subsection:

(a) It shall be lawful to use a dip net or club in the landing of food fish taken by personal-use angling unless otherwise provided and it shall be lawful to use a gaff in the landing of tuna, halibut and dogfish in all catch record card areas.

(b) It shall be lawful to use a dip net, gaff, or club in the landing of food fish or shellfish taken for commercial purposes, except that it is unlawful to use a fish pew, pitchfork, or any other instrument that will penetrate the body of the food fish or shellfish while sorting commercial catches during the act of discarding those fish that are not going to be retained.

(c) It shall be lawful to use a spear in underwater spear fishing as provided for in WAC 220-56-160.

(d) It shall be lawful to use a spear to take carp as provided for in WAC 220-56-280.

(e) It shall be lawful to snag herring, smelt, anchovies, pilchard, sand lance, and squid when using forage fish jigger gear or squid jigs.

(f) It shall be lawful to shoot halibut when landing them with a dip net or gaff.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commer-

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cial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or sex limit is prescribed for said species and it is unlawful to possess food fish or shellfish mutilated in any manner such that the natural length or weight cannot be determined if a length or weight limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the department ~~((of fisheries))~~.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the director ~~((of fisheries))~~, or to perform any act not specifically authorized in said document or in the regulations of the commission or director ~~((of fisheries))~~.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the director ~~((of fisheries))~~.

(17) It shall be unlawful to test commercial fishing gear except as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the ~~((fisheries patrol))~~ fish and wildlife enforcement office in Olympia prior to testing.

(18) It is unlawful for any person or corporation either licensed by the department ~~((of fisheries))~~ or bringing food fish or shellfish into the state to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

(19) It is unlawful to fish for or possess food fish or shellfish taken from any conservation area defined in chapter 220-16 WAC.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

**WAC 220-56-103 Definitions—Landlocked chinook and coho.** Chinook and coho taken from the following waters are defined as landlocked. A freshwater license is required to fish for these species, and a catch record card is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as trout rules (except Lake Chelan). The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

~~((1) Big Lake (Skagit County);~~

~~(2) Clear Lake (Pierce County);~~

~~(3) Cushman Reservoir (Mason County);~~

~~(4) Mayfield Lake (reservoir) (Lewis County);~~

~~(5) McMurray Lake (Skagit County);~~

~~(6) Riffe (lake) Reservoir (Lewis County);~~

~~(7) Seanewa Lake (Cowlitz Falls Reservoir) (Lewis County);~~

~~(8) Wilderness Lake (King County);~~

~~(9) Wynoochee Reservoir (Grays Harbor County);~~

~~(10) Chelan, Lake (Chelan County);~~

~~(11) Roosevelt, Lake (Columbia River) (Stevens County);~~

~~(12) Spokane River (Spokane County);~~

~~(13) Tarboo Lake (Jefferson County);~~

(1) Big Lake (Skagit County)

(2) Bradley Pond (Pierce County)

(3) Carlisle Lake (Lewis County)

- (4) Carney Lake (Pierce County).
- (5) Cases Pond (Pacific County).
- (6) Chelan Lake (Chelan County).
- (7) Clear Lake (Pierce County).
- (8) Cushman Reservoir (Mason County).
- (9) DeCoursey Pond (Pierce County).
- (10) Horseshoe Lake (Kitsap County).
- (11) Lincoln Pond (Clallam County).
- (12) Maggie Lake (Mason County).
- (13) Mayfield Lake (reservoir) (Lewis County).
- (14) McMurray Lake (Skagit County).
- (15) Radar Ponds (Pacific County).
- (16) Riffe (lake) Reservoir (Lewis County).
- (17) Roosevelt Lake (Columbia River) (Stevens County).
- (18) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).
- (19) Spokane River (Spokane County).
- (20) Tarboo Lake (Jefferson County).
- (21) Vance Creek Pond 1 (Grays Harbor County).
- (22) Vance Creek Pond 2 (Grays Harbor County).
- (23) Waughop Lake (Pierce County).
- (24) Wilderness Lake (King County).
- (25) Wynoochee Reservoir (Grays Harbor County).

**AMENDATORY SECTION** (Amending Order 99-125, filed 8/13/99, effective 4/1/00)

**WAC 220-56-175 Catch record cards.** It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab, anadromous salmon, (~~Columbia River, Grays Harbor, or Willapa Bay~~) sturgeon (~~((including sturgeon taken from any tributary))~~), halibut taken from Catch Record Card Areas 5 through 13, or steelhead, an angler must obtain and have in personal possession the appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, when obtaining a catch record card shall completely, accurately, and legibly complete all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length and, for halibut, vessel type.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

**AMENDATORY SECTION** (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 220-56-185 Marine area codes.** The term "marine area code numbers" is defined as the catch area for the catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Rosario Strait Traffic Lane Entrance Lighted Buoy R (USCG Light List No. 16340, referenced as Y "R" on National Ocean Service Chart No. 18400-1 dated 1997-08-30 - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light ((#2)) #4 on Camano Island (Fl red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

**AMENDATORY SECTION** (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 220-56-235 Possession limits—Bottomfish.** It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod - 2 fish minimum length 24 inches.

(b) Rockfish - 10 fish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	((5)) 1 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish
<u>Pacific hake</u>	<u>2 fish</u>

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	((5)) 1 fish
Surfperch	10 fish

Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
<u>Pacific hake</u>	<u>2 fish</u>

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	((3)) 1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
<u>Pacific hake</u>	<u>0 fish</u>

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

**AMENDATORY SECTION** (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

**WAC 220-56-250 Lingcod—Areas and seasons.** It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through 3 - open the entire year, (b) Catch Record Card Area 4 - April 16 through November 30.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15 by angling and May 21 through June 15 by spear fishing.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-295 Sturgeon—Unlawful acts.** (1) It is unlawful to possess in the field or transport for personal use any sturgeon from which either the head or tail or both have been removed or to possess sturgeon eggs without having retained the carcass of the fish from which the eggs have been removed.

(2) It is unlawful to use a fish landing aid that penetrates the fish while restraining, handling or landing any sturgeon.

(3) It is unlawful to fail to immediately return to the water any sturgeon that is not of legal size.

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(4) It is unlawful to remove oversize sturgeon totally or in part from the water.

**AMENDATORY SECTION** (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 220-56-310 Shellfish—Daily limits.** It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters:

(a) In all Puget Sound waters except those contiguous waters south of a line from Tala Point to Foulweather Bluff, 18 oysters in the shell, minimum size 2 1/2 inches across the longest dimension of the shell.

(b) In the Puget Sound contiguous waters south of a line from Tala Point to Foulweather Bluff and waters of the Pacific Ocean, Grays Harbor and Willapa Bay, 18 oysters, shucked and the shells left on the beach.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all waters except Shrimp Districts 1, 3 and 5 - total weight 10 pounds, fishers must retain the heads of all shrimp taken while in the field. Spot shrimp minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace.

(b) In Shrimp District 1 (Discovery Bay) - Spot shrimp: Maximum 50 shrimp as part of the 10 pound limit. Spot shrimp minimum size one and three-sixteenths inch from base of eyestalk to top rear edge of carapace.

(c) In Shrimp District 3 (Port Angeles) - Total weight 10 pounds. Spot shrimp: No minimum size.

(d) In Shrimp District 5 (Hood Canal) - 80 shrimp. No minimum size for spot shrimp.

(10) Octopus: 2 octopus.

(11) Pinto abalone: Closed state-wide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In all waters except the Columbia River - 6 male crabs.

(b) In the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed state-wide.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts.** (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Shrimp District 5 it is unlawful to use at any one time more than two units of gear for the purpose of taking crabs and two additional units of gear for the purpose of taking shrimp.

(b) In Shrimp District 5 (Hood Canal) it is unlawful to use more than one shrimp pot and a total of two star traps or ring nets during the Hood Canal shrimp season. It is unlawful for the operator of any boat from which shrimp pots are set or pulled to have on board or to fish more than four shrimp pots.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) Each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

(10) No fisher may set or pull shellfish pots, ring nets or star traps from a vessel in all state waters from one hour after official sunset to one hour before official sunrise.

**AMENDATORY SECTION** (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

**WAC 220-56-330 Crab—Areas and seasons.** (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear season. The open shellfish pot gear season for crab in Puget Sound waters may open by emergency regulation prior to July 16, but if not previously opened by emergency regulation will open July 16 through April 15.

The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) It is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) It is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

~~((4) No crab fisher may set or pull crab pots, ring nets or star traps from a vessel in all state waters from one hour after official sunset and one hour before official sunrise.))~~

**AMENDATORY SECTION** (Amending Order 96-13, filed 2/9/96, effective 5/1/96)

**WAC 220-56-372 Razor clam sanctuaries.** The following areas are hereby set aside for experimental purposes by the department of fisheries razor clam enhancement project. As need arises in the future, specific sections of these areas will be closed to public use.

(1) Long Beach - from a ~~((line extending westward from the middle))~~ point beginning 2.7 miles north of the Oyster-ville approach - north for one quarter mile (1,320 feet).

(2) Twin Harbors Beach - from a line extending westward from the middle of the county line approach south for one quarter mile (1,320 feet).

(3) Copalis Beach - from a point beginning four-tenths of a mile south of the Ocean City approach (2nd Ave.) and extending south for one quarter mile (1,320 feet).

**AMENDATORY SECTION** (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 220-56-105 River mouth definitions.** When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chambers Creek - Burlington Northern Railroad Bridge.

Chehalis River - Highway 101 Bridge in Aberdeen.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Drano Lake - Highway 14 Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Hoquiam River - Highway 101 Bridge.

Humtulpis River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Kettle River - Barstow Bridge.

Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.

Methow River - Highway 97 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River - The Samish Island Bridge (Bayview-Edison Road).

Sammamish River - 68th Avenue NE Bridge.

Skagit River - A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.

Skamokawa Creek - Highway 4 Bridge.

Skookum Creek - A line 400 yards below the old railroad bridge.

Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.

- South Nemah River - Lynn Point 117 degrees true to the opposite shore.
- Spokane River - State Route 25 Bridge.
- Tucannon River - State Highway 261 Bridge.
- Wallace River - The furthest downstream railroad bridge.
- Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
- Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
- White Salmon River - Markers downstream of the Burlington Northern Railroad Bridge.
- Little White Salmon River - At boundary markers on river bank downstream from the ~~((federal salmon))~~ Little White Salmon National Fish Hatchery.
- Willapa River - South Bend boat launch.
- Wind River - Boundary line markers at mouth.
- Yakima River - Highway 240 Bridge.

**AMENDATORY SECTION** (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

**WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons.** (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Ben Ure Spit: Open January 1 through ~~((April 30))~~ May 31.
- (b) Brown Point (DNR 57-B): Open January 1 through June 30.
- (c) Cama Beach State Park: Closed the entire year.
- ~~((e))~~ (d) Camano Island State Park: Open ~~((June 1))~~ May 16 through June 15.
- ~~((d))~~ (e) Cline Spit: Closed the entire year.
- ~~((e))~~ (f) Cutts Island State Park: Open January 1 through June 15.
- ~~((f))~~ (g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:
  - (i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.
  - (ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.
  - (iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

- ~~((g))~~ (h) Dosewallips State Park: Open March 1 through May ~~((15))~~ 31 only in area defined by boundary markers and signs posted on the beach.
- ~~((h))~~ (i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.
- ~~((i))~~ (j) Dungeness Spit - Open May 15 through September 30.
- ~~((j))~~ (k) Eagle Creek: Open January 1 through April 30.
- ~~((k))~~ (l) Fort Flagler State Park: Open April 1 through ~~((April))~~ June 30.
- ~~((l))~~ (m) Frye Cove - Open January 1 through ~~((March))~~ May 31.
- ~~((m))~~ (n) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.
- ~~((n))~~ (o) Gertrude Island - All tidelands at Gertrude Island closed the entire year.
- ~~((o))~~ (p) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.
- ~~((p))~~ (q) Hope Island State Park (South Puget Sound): ~~((Open April 1 through June 15:))~~ Closed the entire year.
- ~~((q))~~ (r) Illahee State Park: Open May 1 through May ~~((7))~~ 31.
- ~~((r))~~ (s) Kayak Point County Park: ~~((Open April 1 through April 15:))~~ Closed the entire year.
- ~~((s))~~ (t) Kitsap Memorial State Park: Open June 1 through ~~((July 31))~~ June 15.
- ~~((t))~~ (u) Kopachuck State Park: ~~((Closed the entire year:))~~ May 1 through May 15.
- ~~((u))~~ (v) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- ~~((v))~~ (w) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- ~~((w))~~ (x) Mukilteo State Park - Closed the entire year.
- ~~((x))~~ (y) Mystery Bay State Park: Open October 1 through April 30.
- ~~((y))~~ (z) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned ~~((Oyster Reserves))~~ Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.
- ~~((z))~~ (aa) North Sequim Bay State Park - Open May 16 through June 15.
- ~~((aa))~~ (bb) Oak Bay County Park: Open ~~((May))~~ June 1 through ~~((May 31))~~ July 15.
- ~~((bb))~~ (cc) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except ~~((the following are open the entire year))~~ as follows:
  - (i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.
  - (ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

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(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open March 1 through September 30.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

((~~ee~~)) (dd) Penrose Point State Park: (~~Open May 1 through May 15.~~) Closed the entire year.

((~~dd~~)) (ee) Picnic Point County Park: Closed the entire year.

((~~ee~~)) (ff) Pillar Point County Park: Open November 1 through April 30.

(gg) Pitship Point: Closed the entire year.

((~~ff~~)) (hh) Pitt Island - All tidelands on Pitt Island are closed the entire year.

((~~ge~~)) (ii) Point Whitney (excluding Point Whitney Lagoon): (~~Closed the entire year.~~) May 16 through May 31.

((~~hh~~)) (ji) Point Whitney Lagoon: Open June 1 through (~~July 31~~) June 15.

((~~ii~~)) (kk) Port Townsend Ship Canal: Open April 1 through June (~~30~~) 15.

((~~jj~~)) (ll) Potlatch DNR tidelands: Open March 1 through June 30.

((~~kk~~)) (mm) Potlatch East: Open March 1 through June 30.

(nn) Potlatch State Park: Open March 1 through (~~March 31~~) June 30.

((~~hh~~)) (oo) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

((~~mm~~)) (pp) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through September 30, daily from official sunrise to official sunset only.

((~~nn~~)) (qq) Rendsland Creek: Open January 1 through April 30.

((~~oo~~)) (rr) Saltwater State Park: Closed the entire year.

((~~pp~~)) (ss) Samish Island Recreation Area - Open January 1 through June 15.

((~~qq~~)) (tt) Scenic Beach State Park - Open April 16 through June 15.

((~~rr~~)) (uu) Seahurst County Park: Closed the entire year.

((~~ss~~)) (vv) Sequim Bay State Park - Open May (~~16~~) 1 through June (~~15~~) 30.

((~~tt~~)) (ww) Shine Tidelands: Open January 1 through (~~May 31~~) April 30.

((~~uu~~)) (xx) South Indian Island County Park: Open January 1 through (~~September~~) April 30.

((~~vv~~)) (yy) Spencer Spit State Park: Open April 1 through (~~June 30~~) July 31.

((~~ww~~)) (zz) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

((~~xx~~)) (aaa) Triton Cove Oyster Farm: Open July 1 through August 15.

((~~yy~~)) (bbb) Triton Cove State Park: Open April 1 through June 30.

((~~zz~~)) (ccc) Twanoh State Park: Closed the entire year.

((~~aaa~~)) (ddd) West Dewatto: DNR Beach 44A is open January 1 through March (~~15~~) 31.

((~~bbb~~)) (eee) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

((~~ccc~~)) (fff) Wolfe Property State Park: Open January 1 through (~~April 30~~) June 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

#### AMENDATORY SECTION (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

**WAC 220-56-380 Oysters—Areas and seasons.** (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: (~~Closed~~) Open the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open March 1 through (~~June 30~~) July 31 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(e) Eagle Creek: Open January 1 through (~~March~~) May 31.

(f) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(g) Illahee State Park: Open May 1 through May (~~7~~) 31.

(h) Kitsap Memorial State Park: Open June 1 through (~~September 30~~) July 15.

(i) Kopachuck State Park: Open May 1 through May 31.  
 (j) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(k) Mystery Bay: Open October 1 through April 30.

(l) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for ~~((oyster reserves))~~ state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(m) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(ii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(n) Penrose Point State Park: Open May 1 through June ~~((+5))~~ 30.

(o) Point Whitney (excluding Point Whitney Lagoon): Open ~~((September))~~ April 1 through ~~((December 31))~~ July 15.

(p) Potlatch East: Open March 1 through June 30.

(q) Potlatch State Park: Open March 1 through ~~((April 15))~~ June 30.

~~((+))~~ (r) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through September 30, daily from official sunrise to official sunset, only.

~~((+))~~ (s) Scenic Beach State Park: Open April 16 through July 15.

~~((+))~~ (t) Triton Cove Oyster Farm: Open May 1 through August 30.

(u) Triton Cove State Park: Open April 1 through June 30.

~~((+))~~ (v) West Dewatto: DNR Beach 44A is open January 1 through ~~((March 15))~~ August 31.

~~((+))~~ (w) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

~~((+))~~ (x) Wolfe Property State Park: Open January 1 through ~~((April 30))~~ June 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-130 ~~((Edmonds underwater marine park.))~~ Unclassified marine invertebrates and fish. ~~((It shall be unlawful to take, fish for or possess food fish and shellfish by any means from within the boundaries of the city~~

~~of Edmonds underwater marine park located inside the following lines:~~

~~That portion of Edmonds tidelands fronting on Government Lot 2, Section 23, Township 27 North, Range 3 East, W.M., described as extending between the mean high tide and the Outer Harbor Line, and lying between the northeasterly line of Main Street and its westerly projection and a line parallel with and 250 feet northerly of (measured at right angles) the northeasterly line of Main Street.))~~ (1) Definitions. For purposes of this section:

(a) "Daily limit" means individual animals retained, alive or dead.

(b) "Sculpins" means individual sculpins of species that are not defined as bottomfish.

(c) "Nudibranch" means individual nudibranchs of any species.

(d) "Unclassified marine invertebrates" and "unclassified marine fish" mean species existing in Washington state marine waters in a wild state that have not been classified as food fish, shellfish, game fish, protected wildlife, or endangered species.

(2) The following limits apply to the taking of unclassified marine invertebrates in Catch Record Card Areas 1 through 13, and the taking of unclassified marine fish in Catch Record Card Areas 5 through 13:

(a) Daily limit of ten unclassified marine invertebrates, except moon snails and nudibranchs.

(b) Daily limit of five moon snails.

(c) Daily limit of two nudibranchs.

(d) Daily limit of two unclassified marine fish per species of fish, except that the daily limit may not contain more than two sculpins.

(e) The possession limit and the daily limit are the same.

(3) Each person possessing unclassified marine invertebrates or unclassified marine fish must retain their take in a separate container.

AMENDATORY SECTION (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

WAC 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition. (1) It is unlawful to possess Dolly Varden/bull trout or sturgeon in the field at any time in such condition that the total length cannot be determined.

(2) ~~((It is unlawful to possess salmon or steelhead in the field in such condition that the total length and presence or absence of all fins cannot be determined.~~

(3)) It is unlawful to possess gamefish, food fish, or shellfish in the field in such condition that the species, size, weight or sex cannot be determined if a species, size, weight or sex restriction applies to the species, and it is unlawful to possess salmon or steelhead in the field in such condition that the total length and presence or absence of all fins cannot be determined. This subsection does not apply ~~((to gamefish, food fish, or shellfish))~~ if the fisher has stopped fishing for the day after the catch has been brought ashore, or if the catch is in the process of being prepared for immediate consumption. ~~((Dolly Varden/bull trout and sturgeon must comply with subsection (1) of this section at all times when in the field.))~~

**AMENDATORY SECTION** (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 220-56-205 Hook rules—Nonbuoyant lures and night closures.** It is unlawful to fish for or to possess any species of fish taken for personal use from freshwater unless the hooks used meet the requirements of this section and it is

unlawful to fish from one hour after official sunset to one hour before official sunrise during the periods shown:

(1) Nonbuoyant lure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time period
Naselle River	
Mainstem-Hwy 101 Bridge to North Fork	September 1-November 30
South Fork-Mouth to Beam Creek	September 1-November 30
Willapa River	
Mouth to Hwy 6 Bridge	October 1-November 30
Hwy 6 Bridge to Fork Creek	September 1-November 30
Upstream from Fork Creek	September 1-October 31
Willapa River (South Fork)	September 1-November 30
Humptulips River	September 1-November 30
Satsop River (including all forks)	September 1-November 30
Nemah River-North Fork	October 1-November 30
Nemah River-Middle Fork	September 1-November 30
Kennedy Creek	October 1-December 31
Nooksack River-South	
Fork Mouth to Skookum Creek	August 1-October 31
Mainstem	August 1-November 30
North Fork mouth to Maple Creek	August 1-November 30
Samish River	
Mouth to Hickson Bridge	August 1-December 31
Stillaguamish River	
Mainstem downstream from Warm Beach Stanwood Highway, North Fork and South Fork	August 1-November 30
Whatcom Creek	August 1-December 31
Cowlitz River	
From Mill Creek to Barrier Dam	April 1-October 31
Kalama River	
Mouth to temporary rack	September 1-October 31
Lewis River-North Fork	
From Johnson Creek to Merwin Dam	April 1-October 31
Washougal River	
Downstream of Salmon Falls Bridge	September 1-October 31
Icicle River	
From Leavenworth Federal Fish Hatchery to mouth	June 1-June 30
Skagit River (and tributaries)	
Upstream of Gilligan Creek	July 1-November 30
Tokol Creek	5:00 p.m. to 7:00 a.m., nightly,
From mouth to posted cable markers	December 1-March 31
Capitol Lake	August 1-November 30
Deschutes River	
From 400 feet below lowest Tumwater Falls fish ladder to the Old Hwy 99 Bridge on Capitol Boulevard	August 1-November 30

Area	Time period
Elochoman River Mouth to west fork	September 1- October 31
Grays River Mouth to south fork	September 1- October 31
Green/Duwamish River mouth to Headworks Dam	August 1-November 30
McAllister Creek	August 1-November 30
Nisqually River	August 1-November 30
Puyallup River mouth to Carbon River	August 1-November 30
Skykomish River (including all forks)	August 1-November 30
Snohomish River	August 1-November 30
White/Stuck River	August 1-November 30
Toutle River-North Fork Highway 504 Bridge near Kidd Valley to mouth of Green River	September 1-October 31
Green River (Cowlitz Co.) mouth to 400 feet below hatchery rack	September 1-October 31
<u>Blue Creek (Lewis Co.)</u> <u>mouth to signs at rearing pond outlet</u>	<u>December 1-December 31</u>
<u>Mill Creek (Lewis Co.)</u> <u>mouth to hatchery road culvert</u>	<u>December 1-December 31</u>

(2) No leads, weights or sinkers may be attached below or less than 12 inches above a buoyant lure.

(3) All hooks must be attached within three inches of the bait or lure.

**AMENDATORY SECTION** (Amending Order 98-241, filed 11/24/98, effective 1/1/99)

**WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for.** It is unlawful for any person to retain more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) Unlawful to fish from a floating device May 1 through June 30 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

(b) 1 fish daily limit with the following size restrictions in all state waters:

(i) Minimum size is 42 inches in length except minimum size 48 inches in length in waters of the Columbia River and tributaries upstream from Dalles Dam; and

(ii) Maximum size is 60 inches in length.

(c) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(d) ~~((There is a limit of two sturgeon per person for the period January 1 through March 31, 1999.))~~ There is an annual personal use limit of 10 sturgeon from April 1st

through the following March 31st regardless of where the sturgeon were taken.

(2) Forage fish: 10 pounds in the aggregate. The possession limit is two daily limits in fresh form. Additional forage fish may be possessed in frozen or processed form.

(3) All other food fish not otherwise provided for in this chapter: No limit.

**AMENDATORY SECTION** (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

**WAC 220-56-280 Carp—Lawful gear and seasons.** (1) It shall be ~~((lawful))~~ unlawful to take, fish for and possess in any quantity carp taken for personal use except by angling or spearing or with bow and arrow.

(2) It is unlawful to fish for or possess carp taken from water not open to the taking of gamefish or salmon.

**AMENDATORY SECTION** (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 220-57-160 Columbia River.** (1) Rocky Reach Dam to Priest Rapids Dam: Daily Limit A except release wild coho salmon - September 16 through December 31.

(2) Priest Rapids Dam to the Vernita Bridge: Daily Limit A except release wild coho salmon - August 16 through October 31; Daily Limit C except release wild coho salmon - November 1 through December 31.

(3) Vernita Bridge to old Hanford townsite wooden power line towers: Daily Limit A except release wild coho salmon - August 16 through October 22.

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(4) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Daily Limit A except release wild coho salmon - August 16 through December 31.

(5) Highway 395 Bridge to Interstate 5 Bridge: Daily Limit A - August 1 through December 31 except closed November 1 through December 31 downstream from Bon-neville Dam to Beacon Rock. It is unlawful to take or possess sockeye, chum salmon or wild coho salmon taken down-stream from the Highway 395 Bridge to the Interstate 5 Bridge.

(6) Interstate 5 Bridge to the Megler-Astoria Bridge: Daily Limit A - August 1 through March 31. August 1 through December 31 release all chinook within the area of the mainstem Columbia as follows: Beginning at a fishing boundary marker on the northern (downstream) end of Bach-elor Island, northwesterly to the lighthouse at Warrior Rock, north to Sand Island, along the east side of Sand Island to the northern (downstream) tip of the island, northwesterly approximately 1/2 mile to a navigation marker in the middle of the river, and northeasterly to Marker #77 on the Washing-ton shore. During September, it is unlawful to fish for or pos-sess salmon taken for personal use in those waters of the Columbia River north of a line from Abernathy Point Light to a boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye, chum, or wild coho salmon taken downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.

(7) Megler-Astoria Bridge to the Buoy 10 Line:

(a) Special daily limit of 2 salmon except release sock-eye, chum, wild coho salmon and chinook salmon less than 24 inches in length - August 1 through September 30.

(b) Daily Limit A except release sockeye, chum and wild coho - October 1 through March 31.

(8) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the control zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the daily limit shall be the same as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. Daily limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye or chum salmon taken from the North Jetty.

AMENDATORY SECTION (Amending Order 96-80, filed 7/19/96, effective 8/19/96)

**WAC 232-12-168 Fishing contests.** (1) Contest defined: By definition, a fishing contest exists when 6 or more persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submit- ted to the department by November 1 of each year for con- tests that are to take place the following calendar year. After November 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is

denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

(3) Approval:

(a) Fishing contests which adversely affect fish or wild- life resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, Dolly Varden or bull trout.

(c) Contests involving only juveniles or the handicapped may exceed the participation limits in contests per month, contests per year, or boats per contest day with permission from the director. Also, contests involving only juveniles may target any fish species except sea-run cutthroat trout, Dolly Varden or bull trout, under one permit.

(4) Prize value: Total prize value per contest will not exceed \$400 when trout, steelhead, char, whitefish, grayling, or kokanee are included as target species; provided that con- tests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good con- dition after the contest, may qualify for no limitation on amount of prize. Contests involving only juveniles are not required to meet 90 percent live release requirements even if bass or walleye are included as a target species.

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the Department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests where all participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than three consecutive days and have the following limits per water:

ACRES	CONTESTS				BOATS
	CONTESTS PER DAY	CONTESTS PER MONTH*	CONTESTS PER YEAR		PER CONTEST DAY
			BASS	WALLEYE	
Less than 300	1	1	5	0	15
301 - 3,000	1	2	10	2	35
3,001 - 6,000	1	3	15	2	60
6,001 - 10,000	1	4	25	2	125
More than 10,000**	2	5	35	2	300

\* No more than four weekend days per month nor more than two week- ends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

\*\* Two separate contest permits may be issued with no more than 150 boats per contest.

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(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials. Contests involving only juveniles are not required to meet the 90 percent live release requirement for any approved species.

(b) During bass and walleye contests only, participants may continue to fish while holding ~~((a daily catch limit of bass))~~ up to five fish in possession ~~((for the particular water being fished))~~, as long as one fish is released immediately upon catching a fish which would make the angler in excess of ~~((the daily catch limit))~~ five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than ~~((a daily limit))~~ five fish in the livewell.

(c) During bass contests, contestants may not use live bait, except that contests involving only juveniles which include bass as a target species may use bait.

(d) During bass and walleye contests ~~((held on waters managed under statewide "standard" regulations;))~~ participants may retain ~~((a daily catch limit of))~~ up to five bass and walleye of any size to be weighed in. ~~((However, if the contest is on waters managed by "nonstandard" (exception) regulations, no deviations to size limits are allowed. Regardless of whether the contest is on a water managed by "standard" or "exception" regulations;))~~ A tournament angler(s) may not be in possession of more than ~~((the daily catch limit for))~~ five bass or walleye from the water being fished, except as authorized under (6)~~((f))~~ (e) below.

(e) ~~((During walleye contests, all current bag and size remain in effect. No size or number limit exceptions are allowed for walleye contests except as authorized under (6)(f) below.~~

(f)) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

~~((g))~~ (f) Livewell dimensions: During walleye tournaments, all livewells used to hold walleye must be at least 34 inches in length and have a water capacity of at least 20 gallons. Not more than 6 walleye may be placed in a single livewell. All livewells must have both a functional freshwater pump and backup aeration capability.

~~((h))~~ (g) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Zebra mussel decontamination. Prior to participating in a Washington state fishing contest:

(a) All contest participants are required to sign a zebra mussel decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters east of the Continental Divide for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters the participant must complete a decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, and any zebra mussels, if found, have been disposed of in a garbage container; and

(ii) The vessel has been decontaminated by the hull having been:

(A) Pressurized washed with hot soapy water; or

(B) Washed with a household bleach solution of one part bleach to 19 parts water, or the equivalent;

(iii) The motor has been run in a household bleach solution of one part bleach to 19 parts water, or the equivalent, for a minimum of one minute; and

(iv) The bilge and any livewells have been flushed, and the flush water disposed in such a manner that the wastewater will not directly enter state waters, either ground or surface.

(b) The zebra mussel decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 232-12-619 Permanent Washington state-wide game fish regulations.** The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

~~((f))~~(i) It is unlawful to possess Dolly Varden/bull trout or sturgeon in the field in such condition that the total length cannot be determined.

~~((f))~~(ii) It is unlawful to possess salmon or steelhead in the field in such condition that the total length and presence or absence of all fins cannot be determined.

~~((f))~~(iii) It is unlawful to possess gamefish, food fish, or shellfish in the field in such condition that the size, weight or sex cannot be determined if a size, weight or sex restriction

~~applies to the species. This subsection does not apply to gamefish, food fish, or shellfish if the fisher has stopped fishing for the day after the catch has been brought ashore, or if the catch is in the process of being prepared for immediate consumption. Dolly Varden/bull trout and sturgeon must comply with subsection (1) of this section at all times when in the field.))~~

(3) Seasonal (~~wild~~) steelhead limit(~~(—steelhead trout only)~~): Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead (~~over twenty inches in length May 1, 1998, through April 30, 1999; May 1, 1999, through March 31, 2000; and thereafter~~) April 1st through the following March 31st.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Selective gear rules: In waters designated as being under selective gear rules, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(9) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.

(10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(12) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the

fisher's name and address and a maximum of ~~((ten))~~ five hooks may be used.

(13) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.

(14) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.
RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

(15) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP....	It is unlawful to fish for or retain grass carp.	
TROUT (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds.	None in Lakes, Ponds, and Reservoirs.
	No more than two of the trout daily catch limit of 5 may be Steelhead.	Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit.	None
BURBOT	Five	None
CHANNEL CATFISH	Five if taken from lakes, ponds or reservoirs.	Twelve inches if taken in lakes, ponds or reservoirs with no more than one greater than 24 inches in length.

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(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Grayling
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) Wild steelhead release is required year-round.

(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over twenty-four inches	Eighteen inches
	Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	No Limit	None

(16) Seasonal wild steelhead limits. From April 1st through the following March 31st:

(a) It is unlawful for any person to retain more than two wild steelhead from the ~~(following watersheds:~~

- ~~(i) Clearwater River—mouth to Snahapish River.~~
- ~~(ii) Hoh River((--)), including the mainstem, south fork and tributaries thereto.~~

(b) It is unlawful for any person to retain more than ~~(five))~~ ten wild steelhead in the aggregate from all of the following rivers and tributaries thereto:

- (i) Bogachiel River.
- (ii) Calawah River.
- (iii) Dickey River.
- (iv) Sol Duc River.
- (v) Quillayute River.

(c) It is unlawful for any person to retain more than ten wild steelhead from the Clearwater River.

(17) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(18) River mouths. River mouths that differ from the general definition are defined in WAC 220-56-105.

(19) Nonbuoyant lure and night closure restriction: In the waters defined in WAC 220-56-205 and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect.

(20) Landlocked chinook and coho. In the waters defined in WAC 220-56-103 chinook and coho salmon are defined as landlocked. A freshwater license is required to fish for these species and a catch record card is not required. Season, daily limit and size restriction rules for landlocked chinook and coho are the same as trout rules except Lake Chelan. The angler's combined catch of trout and landlocked salmon applies towards the trout limit.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

**WAC 232-28-619 Washington game fish—Exceptions to state-wide rules.** (1) County freshwater exceptions to state-wide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to state-wide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to state-wide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(2) Specific freshwater exceptions to state-wide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock

PERMANENT

Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Alder Lake (Reservoir) (Pierce/Thurston counties): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

~~((Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited.))~~

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

American River (Yakima County): Selective gear rules.

Ancient Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): From the mouth to Baker River fish barrier dam: Closed waters June 1 through August 31.

Ballinger Lake (Snohomish County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles ~~((and))~~, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through ~~((last day in February season))~~ March 31. All species: Release all fish. Single point barbless hooks required July 1 through January 31 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through ~~((last day in February))~~ March 31.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Beaver Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beaver Lake (King County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blooms Ditch (Thurston County): Selective gear rules. Trout: Minimum length twelve inches. Release wild cutthroat.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters(;-) except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: Closed waters.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Pond (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Lake and inlet streams (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with ~~((an internal combustion))~~ a motor prohibited.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Terminal gear limited to one single hook. Release all fish other than whitefish.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, ~~((including))~~ mouth to confluence of East and West Forks (Okanogan County): ((Selective gear rules. Trout: Maximum length twenty inches.)) Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): ((September 1 through March 31 season.)) April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): ((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.)) Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Canyon Creek (Klickitat County): Trout: Daily limit five.

Canyon Creek (Mason County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through July 31 season. Trout:

Daily limit five, minimum length eight inches. Additional August 1 through March 31 season. Trout: Daily limit two, minimum length fourteen inches.

Carbon River (Pierce County), from its mouth to ~~((the Highway 162 Bridge))~~ Voight Creek: June 1 through ~~((January))~~ March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through January 31. ~~((Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.))~~ Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season. Trout: Minimum length 14 inches. Wild steelhead may be retained December 1 through January 31.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through ~~((October 31))~~ November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Cases Pond (Pacific County): Last Saturday in April through ~~((October 31))~~ November 30 season. Juveniles only.

Cashmere Pond (Chelan County): Juveniles only.

Cassidy Lake (Snohomish County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to junction of Chelatchie Creek: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: ~~((Selective gear rules. Trout: Maximum length twenty inches.))~~ Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required October 1 through October 31 upstream from mouth to Porter Bridge and September 16 through October 31 from the Porter Bridge to the high bridge. Trout: Minimum length fourteen inches.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point. Trout except kokanee: Daily limit two except south of Fields Point May 15 through September 30 daily limit 5, not more than two of which may be over 15 inches in length. Trout except kokanee minimum length 15 inches except south of Fields Point minimum length 8 inches May 15 through September 30. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Salmon: Minimum length 15 inches. Burbot: Set line gear allowed.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective gear rules.

Chelan River (Chelan County): ~~((Year around season. Selective gear rules. Trout, minimum length twelve inches, maximum length twenty inches.))~~ Closed waters.

~~((Chewelah Creek, forks and tributaries (Stevens County): Selective gear rules.))~~

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: ((Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish.)) Additional December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County) ~~((, from))~~: Mouth to ((South Fork)) Fool Hen Creek: ((Selective gear rules.)) Closed waters.

Chiwawa River (Chelan County): ~~((Selective gear rules. Trout: Maximum length twenty inches.))~~ Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Additional season November 1 through May 31, steelhead only. Release all fish other than steelhead.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted.

Clear Lake (Spokane County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit one, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through August 31 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year around season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

From bridge at Valley upstream and tributaries: Selective gear rules.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park Lagoon (Benton County): Juveniles and licensed adults accompanied by a juvenile only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to the Megler-Astoria Bridge: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings.

From the Megler-Astoria Bridge to the I-5 Bridge: Closed waters: September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of

the mouth of Abernathy Creek. Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length.

From the I-5 Bridge to the Highway 395 Bridge at Pasco, including Drano Lake: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. Drano Lake: August 1 through December 31: Non-buoyant lure restriction as provided in WAC 220-56-205(1). Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout, except May 1 through August 15 in those waters from the Ringold Hatchery from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek when fishing from the bank on the hatchery side of the river.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. All species: June 1 through March 31 season. Trout: Release all trout.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred

feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to boat fishing from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year around season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Cow Lake (Adams County): (~~Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.~~) Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles

upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year around season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. All species: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin.

From Mayfield Dam to mouth of Muddy Fork: Year around season.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): ~~((September 1 through March 31 season))~~ April 1 through August 31: Selective gear rules and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): March 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through ~~((October 31))~~ November 30 season. Juveniles only.

Deep Creek (Clallam County): Closed waters.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Deep River (Wahkiakum County): Year around season. Trout: Minimum length 14 inches.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

Dempsey Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Henderson Boulevard Bridge upstream: June 1 through March 31 season. Selective gear rules. All species: Release all fish except trout greater than twenty inches in length.

Desire Lake (King County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): All species: Release all fish. From Dewatto-Holly Road Bridge upstream: Selective gear rules.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained.

Dollar Lake (Grant County): March 1 through July 31 season.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

**Dungeness River (Clallam County):**

From mouth to junction of Gray Wolf and Dungeness River, October 16 through last day in February season. Trout: Minimum length fourteen inches.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elbow Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required October 1 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat.

Eloika Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: ~~((June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional season))~~ December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish. ((Selective gear rules:))

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Finnel Lake (Adams County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year around season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Flowing Lake (Snohomish County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park ~~((Lake))~~ Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to ~~((Foggy Dew))~~ confluence north fork Gold Creek: ~~((Selective gear rules.))~~ Closed waters.

Goldsborough Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted. ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of free licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year around season. Selective gear rules September 1 through May 31. Trout: Minimum length twelve inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through August 31 season. Selec-

tive gear rules. Trout: Minimum length twelve inches. Additional season September 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and steelhead with a missing adipose fin and a healed scar at the fin site.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: January 1 through March 15 season. All species: Release all fish except steelhead without an adipose fin and healed scar at the fin site. Trout: Minimum length twenty inches.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from Hatchery Road Bridge: June 1 - August 31 season. Trout: Additional January 1 through March 15 season downstream from Hatchery Road Bridge. Release all fish other than trout and all trout less than twenty inches in length.

Green Lake and Green Lake, Lower (Okanogan County): ~~((December 1 through March 31 season.))~~ April 1 through November 30: Selective gear rules and all species: Release all fish.

Green (Duwamish) River (King County):

From the First Avenue Bridge to ~~((Tacoma Headworks Dam))~~ South 277th Street Bridge in Auburn: June 1 through last day in February season~~((-except waters from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn are closed September 1 through October 15 and waters from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge are closed September 1 through October 31)).~~ Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 1 through the last day in February.

~~((From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Fishing from any floating device prohibited.))~~ From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Wild steelhead may be retained July 1 through July 31 and October 16 through last day in February.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Closed waters: Within 150 feet of the Palmer Pond outlet

rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through last day in February.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from the water intake at the upper end of the hatchery grounds downstream to a point 1500 feet below the salmon hatchery rack during the period September 1 through November 30. All species: Release all fish except steelhead. Trout: Minimum length twenty inches.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

"H" Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hallin Lake (Adams County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): March 1 through July 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Hart Lake (Pierce County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be~~

~~retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year around season.

Hays Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from ~~((Highway 101))~~ DNR oxbow campground boat launch to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to ~~((Highway 101))~~ DNR oxbow campground boat launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches. Release wild cutthroat upstream from upper Hoko Bridge (cement bridge on Lake Ozette Highway).

From mouth to upper Hoko Bridge: Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Release wild cutthroat.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required October 1 through November 15. Trout: Minimum length fourteen inches.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. ~~((Chumming permitted.))~~ Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ~~((ten))~~ five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through March 31 season. Single point barbless hooks required October 1 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Gridsdale: Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to Donkey Creek

Road Bridge: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: ~~((Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.))~~ Closed waters. From ~~((Rock Island Bridge))~~ Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): Closed waters.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Island Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Island Lake (Pacific County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Issaquah Creek (King County): Closed waters.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches.

John's Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required October 1 through November 30. Trout: Minimum length fourteen inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Kahlotus Lake (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): ~~((Trout: Minimum length 14 inches.))~~ Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year around season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Fishing from a floating device equipped with a motor prohibited upstream of Morrow Bridge. Trout: Minimum length 20 inches. September 1 through October 31. Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. ~~((September 1 through October 31.))~~

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season. Selective gear rules. Trout: Minimum length 14 inches.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road:

June 1 through March 31 season. Fly fishing only. Trout: Minimum length 14 inches.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Kapowsin Lake (Pierce County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches.

Additional season: November 1 through May 31. All species except whitefish: Selective gear rules and release all fish. Whitefish: Single hook only.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kitsap Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout: Minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klinline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: No more than 2 trout 20 inches in length or greater may be retained. ~~((Bass: Only bass less than twelve inches or over eighteen inches in length may be retained.))~~

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek((?)) (Okanogan County): Mouth to ((Three Prong Creek (Okanogan County): Selective gear rules. Trout: Maximum length twenty inches.)) Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year around season.

Lawrence Lake (Thurston County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Leland Lake (Jefferson County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release wild cutthroat.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Johnson Creek: Year around season. Trout: Minimum length ~~((twelve))~~ twenty inches. Release wild cutthroat.

From Johnson Creek to Colvin Creek: June 16 through August 15 and November 16 through April 30 seasons except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Trout: Minimum length ~~((twelve))~~ twenty inches. Release wild cutthroat.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: December 16 through September 30 season. Trout: Minimum length ~~((twelve))~~ twenty inches. Release wild cutthroat.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Lewis River, East Fork ~~((south))~~ (Clark/Skamania counties): Closed waters: From the posted markers ~~((four hundred feet below))~~ at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet

below Horseshoe Falls ~~((to one hundred feet above Sunset Falls))~~ upstream.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release cutthroat.

From one hundred feet above Sunset Falls to source: ~~((June 1 through December 31 season. Trout: Minimum length fourteen inches. Release cutthroat.))~~ Closed waters.

Mouth to ~~((posted markers at))~~ top boat ramp at Lewisville Park: Trout: Additional April 16 through May 31 season. Release all fish other than steelhead with a missing adipose fin and a healed scar at the fin site.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Little Holco River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season: Selective gear rules. All species: Release all fish.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April ((30)) through October 31 season. White-

fish: Additional December 1 through March 31 season. Release all fish except whitefish.

Upstream from bridge at Friderger Road: Trout: Release kokanee taken upstream from bridge, including waters of Chain Lake.

Little Twin Lake (Okanogan County): ~~((December 1 through March 31 season:))~~ April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County)~~((:))~~: From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: ~~((Selective gear rules: Trout: Maximum length twenty inches:))~~ Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at ~~((federal fish hatchery a distance of one thousand five hundred feet))~~ Drano Lake upstream to ~~((fishway))~~ the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Kitsap County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained:))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30. Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long Lake (Thurston County): ~~((Last Saturday in April through October 31 season:))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From ~~((one-quarter mile above bridge))~~ mouth to mouth of Monument Creek: ~~((Selective gear rules: Trout: Minimum length twelve inches, maximum length twenty inches:))~~ Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): Juveniles only.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mason Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

May Creek (tributary of Lake Washington) (King County): Closed waters.

McAllister Creek (Thurston County): Trout: Minimum length fourteen inches.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek: ((June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish:)) Additional season: December 1 through March 31. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish. ((Selective gear rules:))

Methow River tributaries (~~except Chewuck, Lost and Twisp Rivers~~) not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): Closed waters.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except steelhead with a missing adipose fin and a healed scar at the fin site September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.

From Bennington Lake flood diversion dam upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mima Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): March 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit ~~((two))~~ one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit ~~((two))~~ one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Nahwatzel Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and September 1 through January 31, waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery.

Mainstem: Single point barbless hooks required July 1 through January 31 upstream from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: Selective gear rules. All species: Release all fish. Additional November 1 through last day in February season.

North Fork: Selective gear rules. All species: Release all fish.

Nason Creek (Chelan County): ~~((Selective gear rules:))~~ From the mouth upstream ~~((to the downstream end of the Cascade Tunnel: Trout: Maximum length twenty inches.~~

~~From the downstream end of the Cascade Tunnel upstream))~~ to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and holders of disability licenses only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through ~~((last day in February))~~ March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through January 31, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road July 1 through January 31, and on South Nemah upstream to confluence with Middle Nemah July 1 through January 31. Selective gear rules on Middle Nemah above DNR Bridge and on South Nemah above confluence with Middle Nemah. All species: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Single point barb-

less hooks required November 16 through January 31. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Newman Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Single point barbless hooks required July 1 through January 31. All species: Release all fish.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through November 30 season. Trout: Minimum length fourteen inches.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through March 15 season. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through March 15. Trout: Minimum length fourteen inches.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through March 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: All species: Release all fish except up to two hatchery steelhead per day may be

retained. Single point barbless hooks required July 1 through October 31 upstream to Salmon Creek.

From Highway 105 Bridge to Falls River: Additional November 1 through last day in February season. Single point barbless hooks required November 1 through January 31 upstream to Salmon Creek. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through October 31 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offut Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

~~Ohop Lake (Pierce County): ((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year around season. Trout: Release all trout. ~~((Selective gear rules.))~~ Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: ((Maximum length twenty inches.)) Release all trout.

Closed waters: ~~((From the highway bridge at Malott upstream.))~~ From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette River (Clallam County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through ~~((last day in February))~~ March 31 season. All species: Release all fish. Single point barbless hooks required July 1 through January 31 upstream to the confluence of the south and middle forks. Above the confluence of the south and middle forks: Selective gear rules.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Burbot: Set line gear allowed.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Burbot: Set line gear allowed.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): March 1 through July 31 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year around season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Phantom Lake (King County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective fishing regulations. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through January 31.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rogers Street to the Highway 101 Bridge. Selective gear rules. All species: Release all fish.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained.

Quinault River, Upper (Jefferson County), from mouth to upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31.

Quincy Lake (Grant County): March 1 through July 31 season.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season. ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Rat Lake (Okanogan County): ~~((December 1 through March 31 season.))~~ April 1 through November 30: Selective gear rules and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. (~~Only kokanee with a missing adipose fin and healed scar at the fin site may be retained.~~) Kokanee daily limit two. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Roses Lake (Chelan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Saint Clair Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 season. Trout: Minimum length twelve inches. Release all steelhead and wild cutthroat. Additional season: November 1 through March 15. Selective gear rules. All species: Release all fish.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

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From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout: Minimum length fourteen inches.

From Highway 99 Bridge to department salmon rack: Closed waters.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Selective gear rules on East Fork upstream from mouth of Bingham Creek. All open periods: Trout: Minimum length ~~((twelve))~~ fourteen inches. ~~((Release wild cutthroat, except on east fork above Bingham Creek.))~~

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Single point barbless hooks required September 16 through October 31.

Middle Fork (Turnow Branch), from mouth to Cougar-Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar-Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork ~~((s))~~ upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Scabrock Lake (Grant County): March 1 through July 31 season.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Scootenev Reservoir (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoecraft Lake (Snohomish County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoveler Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake, North (Spokane County): Fly fishing only. All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Similkameen River (Okanogan County):

~~From mouth to Enloe Dam: ((June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Additional season)) December 1 through March 31 season. ((Selective gear rules. Trout: Release all trout.))~~ Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

From Enloe Dam to Canadian border: Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Release steelhead March 1 through May 31. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to pipeline crossing at Sedro Woolley: June 1 through March 31 season. Trout except Dolly Varden/

Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From pipeline crossing at Sedro Woolley to Bacon Creek: June 1 through March 15 season except closed June 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: June 1 through last day in February season. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: Single point barbless hooks required October 16 through November 15. June 1 through April 30 season. Trout: Minimum length fourteen inches.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season: Selective gear rules. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish.

From the mouth of the Sultan River to the forks: June 1 through March 31 season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks required July 1 through January 31 upstream to the Highway 101 Bridge. Trout: Minimum length fourteen inches. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Snake River: Year around season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Snoqualmie River (King County):

From mouth to the falls: June 1 through March 31 season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries except Crocker Lake: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at

the Soleduck Hatchery, one wild steelhead per day may be retained.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Soos Creek (King County), from mouth to salmon hatchery rack: June 1 through October 31 season. Trout: Minimum length fourteen inches. September 1 through October 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters downstream from the bridge near the hatchery residence.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: ~~((Minimum))~~ Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year around season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spencer Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no more than one over twenty inches in length. Release walleye sixteen inches to twenty inches in length, and April 1 through May 31 release all walleye.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Selective gear rules. Trout: Daily limit one. Release wild trout.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating

device equipped with a motor permitted. Trout: Daily limit one, minimum length 12 inches.

Sportsman's Lake (San Juan County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sprague Lake (Adams/Lincoln counties):

Waters northeast of the lakeside edge of the reeds ~~((to Danekas Road))~~: ~~((Closed waters: Inlet stream (Negro Creek), April 1 through June 15. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Waters ~~((southeast))~~ south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lake (King County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehkin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. ~~((Bass: Daily limit one, minimum length eighteen inches.))~~

Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: An additional ten kokanee may be retained above the five fish daily limit.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year around season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Selective gear rules June 1 through November 30. Closed to fishing from one hour after official sunset to one hour before official sunrise. Trout: Minimum length twenty inches June 1 through November 30. Release all fish except trout with a missing adipose fin and a healed scar at the fin site. Minimum length fourteen inches December 1 through last day in February and wild steelhead may be retained.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: March 1 through November 30 all species: Fly fishing only and release all fish other than trout greater than twenty inches in length that are missing the adipose fin and have a healed scar at the fin site. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. December 1 through last day in February: Trout: Minimum length fourteen inches and wild steelhead may be retained. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. (~~Bass: Daily and possession limit two. Only bass less than twelve inches or over eighteen inches in length may be retained. Channel catfish: Minimum length twenty inches.~~) Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tahuya River (Mason County): All species: Release all fish. From marker one mile above North Shore Bridge upstream: Selective gear rules.

From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year around season.

Tarboo Lake (Jefferson County): Last Saturday in April through ~~((October 31))~~ November 30 season.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tee Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted. ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Trout: Daily limit five, no minimum length. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season, closed 5:00 p.m. to 7:00 a.m. daily. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the USGS trolley cable to the ~~((mouth of Yellow Creek))~~ falls in Sec. 21, Twp 26N., R 8 E, on the North Fork, and to the dam on the South Fork: Closed waters.

From ~~((mouth of Yellow Creek))~~ falls upstream on North Fork: ~~((Year-round season. Trout:))~~ Selective gear rules((and release all trout)). Trout: Minimum length ten inches.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Totem Lakes 1 and 2 (Whatcom County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Daily limit may not contain more than three bass over fifteen inches in length.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Touchet River (Columbia/Walla Walla counties):

From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and brown trout. From confluence of north and south forks upstream, including Wolf Fork: June 1 through October 31 season. Selective gear rules. Release all steelhead. Tributaries other than Wolf Fork: Closed waters.

## Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site. Trout: Minimum length twenty inches.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

Tradition Lake (King County): (~~Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.~~) Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to a sign referencing Deer Lake about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From a sign referencing Deer Lake to the Panjab Creek Bridge: Selective gear rules.

From the Panjab Creek Bridge upstream: Closed waters.  
Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: ((Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.)) Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish. From lower bridge on the Old Belfair Highway upstream: Selective gear rules.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through (~~(October 31)~~) November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Pond Two: Last Saturday in April through (~~(October 31)~~) November 30 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight's Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Waddell Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth to mouth of Olney Creek: Additional November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year around season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Warden Lake and Warden Lake, South (Grant County): ~~((March 1))~~ Last Saturday in April through ~~((July 31))~~ September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. ~~((Bass: Only bass less than 12 inches or over fifteen inches in length may be retained.))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year around. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release steelhead August 16 through October 15.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamanian counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Wauhop Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenatchee Lake (Chelan County): ~~((Chumming permitted:))~~ Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit ~~((sixteen))~~ five. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

~~((From mouth to Lake Wenatchee: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional season))~~ December 1 through March 31(=) season, from mouth to Highway 2 Bridge at Leavenworth only. All other areas and times: Closed waters. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish. ~~((Selective gear rules:))~~

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: Closed waters: Woburn Street Bridge upstream to the stone bridge. June 1 through last day in February season. Trout: Minimum length fourteen inches. ~~((Wild steelhead may be retained December 1 through last day in February:))~~

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: ~~((Daily limit may contain no more than one))~~ Release cutthroat trout((, minimum cutthroat length eighteen inches)).

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: ~~((Selective gear rules. Trout: Maximum length twenty inches:))~~ Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: June 1 through September 30: Closed waters. October 1 through last day in February season: Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley, except waters of Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin are closed waters: October 1 through October 31 season only. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Year around season. August 1 through December 31: Nonbuoyant lure restriction as provided for in WAC 220-56-205(1). Trout: Minimum length fourteen inches.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout: Minimum length fourteen inches.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Whitestone Lake (Okanogan County): ~~((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained:))~~ Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Whitman Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wilderness Lake (King County): Last Saturday in April through October 31 season.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County), including all forks: Closed waters: Four hundred feet below falls on South Fork to falls.

All species: Release all fish except that up to two hatchery steelhead per day may be retained, from mouth to Forks Creek and in South Fork. From department boat launch in South Bend upstream to Forks Creek: Single point barbless hooks required July 1 through October 31 upstream to Forks Creek. Upstream from Forks Creek: Selective gear rules.

From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season.

Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek. Single point barbless hooks required November 1 through January 31.

South Fork: Additional November 1 through last day of February season. Selective gear rules.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Mouth to Burlington Northern Railroad Bridge: August 1 through October 31: Nonbuoyant lure restriction as provided for in WAC 220-56-205(1). Trout: Minimum length fourteen inches.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: ((June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. All species: Selective gear rules.

Eye Springs:)) Closed waters.

((From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout: Minimum length fourteen inches.))

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wiser Lake (Whatcom County): ((Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.)) Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length ((twelve)) fourteen inches. ((Release wild cutthroat.))

From the mouth to four hundred feet below outlet: Additional November 1 through March 31 season. Trout: Mini-

um length ((twelve)) fourteen inches. ((Release wild cutthroat.))

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wynoochee River (Grays Harbor County): Single point barbless hooks required September 16 through October 31 upstream to 7400 line bridge above mouth of Schafer Creek. Trout: Minimum length ((twelve)) fourteen inches. ((Release wild cutthroat.))

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout: Minimum length ((twelve)) fourteen inches. ((Release wild cutthroat.))

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted.

From mouth to four hundred feet below Roza Dam: Year around season. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Trout: Selective gear rules, and release all trout. Whitefish: Bait and one single-pointed, barbless hook only may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective gear rules.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

(3) Specific marine water exceptions to state-wide rules:

(a) Marine water area codes and boundaries:

(i) Area 1 (Ilwaco): Waters west of the Buoy 10 Line and north to Leadbetter Point.

(ii) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(iii) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(iv) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(v) Area 3 (La Push): From the Queets River north to Cape Alava.

(vi) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(vii) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(viii) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Vessel Traffic Separation Buoy "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(ix) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(x) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(xi) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (Fl red 4 sec.).

(xii) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light # 2 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(xiii) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(xiv) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(xv) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(xvi) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(xvii) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

(b) Marine waters regulations: These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(i) Fishing hours: Twenty-four hours per day year around, except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(ii) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a steelhead license, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

(iii) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(iv) All species: Release all fish except up to two hatchery steelhead may be retained per day.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-018

Definitions—Landlocked chinook and coho.

**WSR 00-08-039**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed March 29, 2000, 3:15 p.m.]

Date of Adoption: March 29, 2000.

Purpose: To delete all reference to the Washington State Energy Office and replace with the Department of General Administration, the agency directed to administer the activities of the energy efficiency services account program.

Citation of Existing Rules Affected by this Order: Repealing WAC 194-20-020(5), 194-20-060 and 194-20-070; and amending WAC 194-20-010, 194-20-020 (1)-(4), (6), (7), 194-20-030, 194-20-040, 194-20-050, and 194-20-080.

Statutory Authority for Adoption: Chapter 39.35C RCW.

Adopted under notice filed as WSR 99-19-076 on September 16, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 29, 2000

John W. Lynch  
Assistant Director  
GA E & AS

AMENDATORY SECTION (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-010 Purpose.** This chapter implements the provisions of section ~~((42)) 415~~ and related sections of chapter ~~((201)) 186~~, Laws of ~~((1994)) 1996~~, establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving funds for the energy efficiency services account.

AMENDATORY SECTION (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-020 Definitions.** (1) ("WSEO") "Department" means the ~~((Washington state energy office)) state department of general administration~~.

(2) "Energy ~~((partnerships)) services~~" means the energy efficiency program that emerges from chapter ~~((201)) 186~~, Laws of ~~((1994)) 1996~~, the mission of which is the fulfillment of the requirements of that legislation: To achieve cost-effective conservation improvements in state and school district facilities and to investigate and, if appropriate, to pursue development of cost-effective cogeneration in existing ~~((and/))~~ or new state facilities.

(3) "Energy life cycle cost analysis ~~((LCCA)) (ELCCA))" means the method of economic analysis which accounts for the initial cost and the cost of operation of a major facility or its systems over its economic life. (See RCW 39.35.030(7).) Chapter 39.35 RCW requires that an ~~((LCCA)) ELCCA~~ be prepared prior to construction or alteration of a publicly owned or leased facility having twenty-five thousand square feet or more of usable floor space.~~

(4) "Energy conservation report (ECR)" means the report ~~((in which LCCA's are))~~ describing the ELCCA performed for schools, funded in part by the Washington superintendent of public instruction and reviewed by ~~((WSEO)) the department~~. The contents of the report and the submission procedures are outlined in the ~~((WSEO)) department's~~ publication, ~~((("Guidelines for Preparing Energy Conservation Reports.")) "Energy Life Cycle Cost Analysis Guidelines for Public Agencies."~~

(5) ~~((("School building energy characteristics report (SBEC)" means the conservation report which communicates compliance with the governing energy code, required for smaller projects not affected by WAC 180-27-075.~~

(6)) "Energy efficiency project" means a project which reduces energy consumption or energy cost, or increases the efficient use of energy. It includes activities, measures, and/or equipment designed to achieve these results.

~~((7)) (6)~~ "Cogeneration project" means a project which results in the sequential generation of two or more forms of energy from a common fuel or energy source.

AMENDATORY SECTION (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-030 Criteria and procedures for setting fees.** The ~~((WSEO)) department~~ will charge fees sufficient to recover the cost of providing services to state agencies ~~((and)), school districts, and public agencies~~ which undertake energy efficiency or cogeneration projects under the energy ~~((partnerships)) services~~ program. Recoverable costs include, but are not limited to all necessary costs of providing services directly to ~~((client institutions)) public facilities~~, of monitoring and implementing utility agreements when utilities elect to offer designated services, and of monitoring agreements with private consultants or energy service companies who provide energy ~~((partnerships)) services~~. ~~((WSEO's)) The department's~~ fees are based on hourly rates and the billable hours of service providers, and ~~((shall))~~ include all technical and program costs, and associated administrative costs. Fees are negotiated between ~~((WSEO)) the department~~ and the ~~((institution)) public facility~~ being served, except for fees to review ~~((LCCA's)) ELCCA's~~ and ECR's.

AMENDATORY SECTION (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

**WAC 194-20-040 Energy life cycle cost analysis/energy conservation report fees.** Fees for ~~((LCCA)) ELCCA~~ and ECR reviews will be established to recover ~~((WSEO's)) the department's~~ actual costs in conducting the reviews. ~~((Annually, these costs will be evaluated and a revised fee schedule will be published, effective July 1 of the~~

PERMANENT

WSR 00-08-040
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed March 29, 2000, 3:17 p.m.]

Date of Adoption: March 29, 2000.

Purpose: To incorporate editorial changes which reflect current industry terminology and eliminate redundancy of information already provided within other subsections of the WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 236-70-070; and amending WAC 236-70-040 (4), (7), (9)(e), (10), (10)(d), (11), (12), 236-70-050 (2), (6), (8), 236-70-060 (4), (7), 236-70-080, and 236-70-080(3).

Statutory Authority for Adoption: RCW 43.19.680(4).

Adopted under notice filed as WSR 99-19-075 on September 16, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 29, 2000

John W. Lynch

Assistant Director

GA E & AS

PERMANENT

year in which it is issued. WSEO's)) The department's fee for an ((LCCA)) ELCCA or ECR review will not exceed two thousand dollars or one-tenth of one percent of the project's total design and construction cost, whichever is less, unless mutually agreed by the ((institution)) public agency and ((WSEO)) the department. ((No fee is charged for school building energy characteristics report reviews.

WSEO)) The department shall annually evaluate whether energy savings resulting from its review of ((LCCA's)) ELCCA's and ECR's justify the costs of performing the reviews. ((WSEO shall make the results of that report available to the public, on request.))

AMENDATORY SECTION (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

WAC 194-20-050 Receipt of funds. ((WSEO)) The department requires full payment of its invoices in the form of a check made payable to ((WSEO)) the department or an electronic fund transfer. For ((LCCA's)) ELCCA's and ECR's submitted for review, ((institutions)) public facilities will be invoiced when the review takes place. For all other energy conservation or cogeneration services, ((institutions)) public facilities will be invoiced on a monthly basis unless other financing arrangements are mutually agreed upon in advance.

AMENDATORY SECTION (Amending WSR 92-01-120, filed 12/19/91, effective 1/19/92)

WAC 194-20-080 Working capital requirements. The ((WSEO)) department establishes an initial goal of building within the energy efficiency services account a working capital account balance equal to ((four to five months)) a minimum of one month of operating costs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 194-20-060 Net revenue from transactions for conservation.

WAC 194-20-070 Net savings and net revenue from transactions for cogeneration.

NEW SECTION

The following sections of the Washington Administrative Code, as amended, are recodified as follows:

Table with 2 columns: Old WAC Number, New WAC Number. Rows include 194-20-010 to 236-200-010, 194-20-020 to 236-200-020, 194-20-030 to 236-200-030, 194-20-040 to 236-200-040, 194-20-050 to 236-200-050, 194-20-080 to 236-200-060.

AMENDATORY SECTION (Amending Order 84-03, filed 11/30/84)

WAC 236-70-040 Definitions. The following words and terms have the following meanings for the purposes of this chapter:

((1)) "Base period" means a preceding twelve-month period, or longer, selected as the standard for measurement of energy consumption and energy savings due to implementation of energy conservation measures or services.

((2)) "Energy conservation maintenance and operating procedure" means modification or modifications in maintenance and operations of a facility, and any installations within the facility, which are designed to reduce energy consumption in the facility and which require no significant expenditure of funds.

((3)) "Energy conservation measure" means an installation or modification of an installation in a facility which is primarily intended to reduce energy consumption or allow use of an alternative energy source.

~~((4))~~ "Energy consumption" means the amount of electrical energy and demand, natural gas, oil, propane or other fuel consumed in a facility in any billing period. It also applies to utility services, such as water and sewer, which require energy to be consumed to supply the services to the facility.

"Energy conservation service" means a service which provides preestablished levels of heating, cooling, lighting, and equipment use at reduced energy consumption levels. The services may include, but are not limited to, providing financing, design, installation, repair, maintenance, management, technical advice, and/or training.

~~((5))~~ "Energy cost savings" means energy savings converted into dollar savings.

~~((6))~~ "Energy savings" means the amount of energy expressed in standard units (e.g., therms, gallons, kilowatt hours) of energy saved by an energy conservation measure or service.

~~((7))~~ "Energy service company" means a company that provides energy conservation services.

"Facility" means a building, a group of buildings served by a central energy distribution system, components of a central energy distribution system, related structures and/or energy consuming appurtenances.

~~((8))~~ "Net benefit" means the energy cost savings less the cost of the energy conservation measure or service provided.

~~((9))~~ "Private investment or private financing" of energy projects means obtaining project funds by other than capital appropriation or governmental grants, and includes, but is not limited to, the following:

~~((a))~~ "Guaranteed savings" means a program in which a company guarantees a user a predetermined reduction in energy costs. The company guarantees that energy costs plus all costs of the energy conservation measures or services provided will be less than the user's normal energy costs.

~~((b))~~ "Leasing" means using a piece of property without transferring ownership. Leasing is an alternative to direct ownership of energy saving equipment. This is also known as an operating lease.

~~((c))~~ "Municipal or capital leasing" means a tax exempt lease where the cost of equipment is amortized over the lease term. At the end of the lease period ownership passes to the lessee. This is also known as a lease purchase.

~~((d))~~ "Shared savings" means a program in which the sole source of payment for energy conservation measures or services provided by a company is a predetermined percentage of the energy cost savings of the user resulting from the energy conservation measure or service.

~~((e))~~ "Utility financing" means grants, loans, and resource acquisition payments provided by utilities for energy conservation.

~~((f))~~ "Vendor financing" means financing provided by an equipment supplier, equipment manufacturer, company or contractor.

~~((10))~~ "Request for ~~(proposal)~~ qualifications" means the document which communicates information to prospective contractors and should include, but not be limited to:

~~((a))~~ A description of the problem;

~~((b))~~ Expected results from the project;

~~((e))~~ Extent and nature of anticipated contract services; and

~~((d))~~ Criteria for evaluating ~~(proposals)~~ statements of qualifications.

~~((11))~~ "State agency" means all departments, boards, commissions, colleges, community colleges, and universities who own and operate state facilities, related structures, and/or appurtenances.

~~((12))~~ "State-owned facilities" means those facilities which are owned outright by the state and those facilities which are being purchased by the state.) "State agency" means all departments, boards, commissions, colleges, community and technical colleges, and universities who own and operate or who have some responsibility for the ownership and operation of state facilities, related structures, and/or appurtenances.

"State-owned facilities" means those facilities which are owned outright by the state, those facilities which are being purchased by the state, and those facilities which the state has provided full or partial construction funding or provides full or partial operations funding.

AMENDATORY SECTION (Amending Order 84-03, filed 11/30/84)

**WAC 236-70-050 Department of general administration responsibilities.** The department of general administration shall be responsible for:

(1) Providing technical assistance through inter-agency agreements.

(2) Developing ~~(standards)~~ procedures for ~~(requests for proposal for private financing)~~ requesting qualifications of energy service companies consistent with RCW 43.19.680.

(3) Developing standards for bid documents for private financing.

(4) Developing standards for contract documents for energy conservation measures and services using private financing including the means of establishing the base period consumption, the methodology for computing energy savings and the method of payment.

(5) Soliciting bids or quotations for the lease or purchase of energy conservation measures using private financing for those state agencies included in RCW 43.19.190.

(6) ~~(Advertising for bids or proposals for)~~ Publishing requirements to procure energy conservation measures or services using ~~(private financing)~~ energy service companies for those state agencies included in RCW 43.19.450.

(7) Developing procedures for evaluating financing proposals.

(8) Monitoring ~~(private financing contracts)~~ energy service company agreements, conducting annual reviews and providing technical assistance as needed.

AMENDATORY SECTION (Amending Order 84-03, filed 11/30/84)

**WAC 236-70-060 State agency responsibilities.** State agencies seeking private financing of energy conservation measures or services will be responsible for:

(1) Notifying the department of general administration of their intent, and providing justification for project implementation.

(2) Completing all applicable maintenance and operational items as required by RCW 43.19.670. This does not preclude seeking energy conservation services to facilitate implementation of maintenance and operating procedures.

(3) Providing the department of general administration with substantive data, information, calculations, contracts, or other material which are necessary in determining the cost effectiveness of the project and the financial alternatives.

(4) Preparing, or acquiring services for the preparation of, requests for ~~((proposal))~~ qualifications for energy conservation measures and services using ~~((private financing))~~ energy service companies.

(5) Providing building space and/or land for installation of energy conservation equipment.

(6) Providing maintenance and monitoring of installed energy conservation equipment unless otherwise specified.

(7) Reporting fuel and utility consumption survey information required by RCW 43.19.670 to the ~~((Washington state energy office))~~ department of general administration.

(8) Providing for staff training on the function, operation and maintenance of energy conservation equipment.

(9) Reporting contract status on an annual basis to the department of general administration.

AMENDATORY SECTION (Amending Order 84-03, filed 11/30/84)

**WAC 236-70-080 Monitoring and reporting requirements.** The following procedures are set forth for monitoring ~~((private financing contracts))~~ energy service company agreements and for reporting contract status to the department of general administration:

(1) The monitoring of installed energy equipment will be the responsibility of the state agency, unless otherwise specified, and will include reporting contractor response to maintenance and emergency situations to the department of general administration.

(2) The state agency will report facility operating changes, physical changes, equipment changes, equipment modifications or other changes which may affect energy consumption or base period figures to the department of general administration.

(3) The state agency, in cooperation with the department of general administration, will develop a schedule for annual review of ~~((private financing contracts))~~ energy service company agreements for the purpose of: Evaluating projected "vs" actual energy savings; adjusting base period and energy savings formula; evaluating purchase options; evaluating contractor performance; and negotiating contract disagreements and other contract changes which may provide the state with a greater net benefit.

## WSR 00-08-041

### PERMANENT RULES

## DEPARTMENT OF AGRICULTURE

[Filed March 30, 2000, 11:01 a.m.]

Date of Adoption: March 30, 2000.

Purpose: Chapter 16-213 WAC provides for state of Washington commodity quality and grade inspection criteria, standards, and related procedures for some commodities produced and/or handled in the state of Washington. Revise chapter 16-213 WAC to retain only buckwheat and broken corn standards, with appropriate housekeeping changes to reflect current industry needs and facilitate access. The state of Washington uses federal criteria for other commodities covered in this section, so that the portion of the rule that will be deleted is obsolete and/or duplicative.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-213-010, 16-213-100, 16-213-110, 16-213-120, 16-213-130, 16-213-220, 16-213-230, 16-213-240 and 16-213-250; and amending WAC 16-213-200, 16-213-260, and 16-213-270.

Statutory Authority for Adoption: Chapter 22.09 RCW.

Adopted under notice filed as WSR 00-05-048 on February 14, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 30, 2000

Jim Jesernig

Director

AMENDATORY SECTION (Amending Order 1812, filed 3/2/84)

**WAC 16-213-200 Buckwheat inspection definitions.**

(1) "Buckwheat" means grain which before the removal of dockage consists of fifty percent or more of whole kernels of buckwheat (domestic varieties). The term "buckwheat" in these standards shall not include wild buckwheat.

(2) "Dockage" means all matter other than buckwheat which can be readily removed from a test portion of the original sample by use of the approved device in accordance with the procedures as set down in these standards.

(3) "Foreign material" means all matter other than buckwheat which remains in the sample after the removal of dockage.

(4) "Moisture" means a percentage ascertained by the air oven or by any device and method which gives equivalent results.

(5) "Percentages" means percentages ascertained by weight except in the case of moisture.

(6) "Sample grade buckwheat" means buckwheat which has a commercially objectionable foreign odor; or is musty, sour, heating, or hot; or contains eight or more stones per one thousand grams; or fails to meet the grade requirements of Washington numerical grades, or is otherwise distinctly low quality.

(7) "Stones" means concreted, earthy, or mineral matter or other substances of similar hardness that do not disintegrate readily in water.

(8) "Test weight per bushel" means the weight as determined per Winchester bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(9) "Type" of buckwheat (large or small) means the result determined by sizing a portion using an 8/64 x 3/4 slotted sieve, and shall be added to and made a part of the grade designation.

(a) The designation shall be "large" when twenty percent or less of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(b) The designation shall be "small" when more than twenty percent of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(10) "Weevily" buckwheat shall be buckwheat that is infested with live weevils or other insects injurious to stored buckwheat.

AMENDATORY SECTION (Amending Order 1919, filed 3/26/87)

**WAC 16-213-260 Cracked corn, corn screenings, and mixed grain screenings inspection definitions.** (1)

"Cracked corn" is a byproduct of the elevating, transporting, or cleaning of corn. Cracked corn is the entire corn kernel, broken, ground, or fractured. Cracked corn may contain incidental whole kernels of corn. Cracked corn may be "yellow" or "white" if one color constitutes ninety percent or more of the mixture. Cracked corn may not contain more than four percent of admixture (foreign material).

(2) "Corn screenings" is a byproduct of the elevating, transporting, or cleaning of corn. Corn screenings is the entire corn kernel, broken, ground, or fractured. Corn screenings may contain incidental whole kernels of corn. Corn screenings must consist of seventy percent or more of corn, whole and broken, and may contain not more than thirty percent of admixture.

(3) "Mixed grain screenings" is a byproduct of the elevating, transporting, or cleaning of grain. Grain screenings is the entire grain kernel, broken, ground, or fractured. Mixed grain screenings may contain incidental whole kernels of grain. Mixed grain screenings must consist of seventy percent or more of whole, light, and broken kernels of wheat, barley, oats, corn, rye, flaxseed, sorghum, triticale, soybeans, or wild oats in combination. Mixed grain screenings may contain not more than thirty percent of other foreign material.

(4) "Admixture" in cracked corn or corn screenings means foreign material and standardized grains other than corn.

(5) "Other foreign material" in mixed grain screenings means material other than standardized grains under the United States Grain Standards Act and wild oats.

(6) "Test weight per bushel" means the weight per Winchester bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(7) "Moisture" means a percentage ascertained by the air oven method or by any device and method which gives equivalent results.

AMENDATORY SECTION (Amending Order 1919, filed 3/26/87)

**WAC 16-213-270 Cracked corn, corn screenings, and mixed grain screenings inspection procedures.** (1)

The determination of cracked corn, yellow or white in cracked corn, corn screenings or mixed grain screenings shall be made on a representative portion of approximately thirty grams cut from the representative sample.

(a) In the case of cracked corn and corn screenings, the percentage of admixture shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(b) In the case of mixed grain screenings, the percentage of other foreign material shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(2) The determination for moisture shall be made on a representative portion of the sample of exactly two hundred fifty grams cut from the work sample. The percentage of moisture is determined by using the motomco moisture meter or other device that yields equivalent results. The percentage of moisture shall be recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(3) The determination of test weight per bushel shall be made on a representative portion of the sample ranging in size from one and one-eighth to one and one-fourth quarts. The test weight per bushel shall be recorded on the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(4) The examination of shiplots and combined lots of cracked corn, corn screenings and mixed grain screenings.

(a) When examining a shiplot or combined lot of cracked corn, corn screenings or mixed grain screenings, an individual subplot sample may exceed the limit for admixture in cracked corn and corn screenings and the limit of other foreign material in mixed grain screenings by up to two percent provided that:

(i) The weighted or mathematical average for the lot as a whole is within the prescribed limits of the applicable definition; and

(ii) The preponderance of the lot by weight meets the applicable definition.

(b) The certificate for a lot must show the following:

(i) The term cracked corn, corn screenings or mixed grain screenings.

(ii) The approximate weight of the lot.

(iii) In the case of cracked corn or corn screenings, the percentage of admixture.

(iv) In the case of mixed grain screenings, the percentage of other foreign material.

(v) The presence of sour, musty, or commercially objectionable foreign odors, an unknown foreign substance, live weevils or other live insects injurious to stored grain, glass, rodent pellets or the presence of other factors likely to adversely affect the quality of the cracked corn, corn screenings, or mixed grain screenings shall be noted in remarks on the certificate.

(c) At the request of the applicant, the certificate for a lot may show the following:

(i) In the case of cracked corn, the terms yellow or white.

(ii) The percentage of moisture.

(iii) The test weight per bushel.

(iv) In remarks, "We certify that cracked corn (or corn screenings) is not residue or waste from food industries. It is corn cracked during transportation or handling."

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-213-010 Promulgation.
- WAC 16-213-100 Safflower seed standards—Definitions.
- WAC 16-213-110 Application of standards.
- WAC 16-213-120 Grades, grade requirements, and grade designations.
- WAC 16-213-130 Special grades for safflower seed.
- WAC 16-213-220 Inspection and certification of shiplots and combined lots of Washington buckwheat.
- WAC 16-213-230 Washington stowage examinations.
- WAC 16-213-240 Rapeseed inspection definitions.
- WAC 16-213-250 Rapeseed inspection procedures.

**WSR 00-08-042**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed March 30, 2000, 11:33 a.m.]

Date of Adoption: March 9, 2000.

Purpose: To implement the requirement that a practice permit be established for on-site wastewater designers by July 1, 2000, in accordance with 2SSB 5821, chapter 263, Laws of 1999, codified as chapter 18.210 RCW.

Statutory Authority for Adoption: RCW 18.210.060, 18.210.050.

Adopted under notice filed as WSR 00-04-059 on January 28, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 7, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 28, 2000

George A. Twiss

Executive Director

**Chapter 196-31 WAC**

**PRACTICE PERMITS**

NEW SECTION

**WAC 196-31-010 Declaration of purpose.** This chapter contains rules and procedures for individuals to obtain, use and renew practice permits as provided for in chapter 18.210 RCW.

NEW SECTION

**WAC 196-31-020 Definition.** "Practice permit" is a limited authorization granted by the board for an individual who performs or offers to perform design services for on-site wastewater treatment systems. Practice permits are an interim authorization and terminate at midnight on June 30, 2003.

NEW SECTION

**WAC 196-31-030 Applications—Qualifications.** In order to obtain a practice permit, the applicant must verify to the satisfaction of the board that the applicant holds a current authorization from a local health jurisdiction (LHJ) on or before July 1, 2000, to perform or offer to perform designs of on-site wastewater treatment systems. Only authorizations from LHJs satisfying the following criteria will be accepted:

(1) The LHJ has an established program for evaluating the competency of the applicant in on-site wastewater treatment system codes and principles for that LHJ; or

(2) If the LHJ does not have an established program for evaluating the competency of the applicant in on-site wastewater treatment systems, the LHJ has established policies or

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procedures that would otherwise permit the applicant to perform designs in that LHJ, and the applicant has obtained approval of those designs consistent with those established policies or procedures.

Verification must come from the authorizing LHJ(s).

#### NEW SECTION

**WAC 196-31-040 Applications—Procedures.** To obtain a practice permit an applicant must submit a completed application as prescribed by the board. Said application must be accompanied by payment of the prescribed fee as established by the director in accordance with chapter 43.24 RCW. Said application shall include verifications from all LHJs where the applicant intends to practice under a practice permit as provided under this chapter.

#### NEW SECTION

**WAC 196-31-050 Permit issuance—Renewals.** On or after April 1, 2000, individuals may apply for a practice permit in accordance with the provisions of this chapter. Permits become effective on or after July 1, 2000. Permits are valid for one year from the date of issuance and are renewable on an annual basis thereafter. Any practice permit that is not renewed shall be invalid. All practice permits renewed on or after July 1, 2002, shall expire on June 30, 2003, regardless of the date of issuance. Renewal fees for practice permits renewed on or after July 1, 2002, shall be equivalent to the established renewal for a one year renewal even if less than a year remains before June 30, 2003. No partial payments or prorated fees will be accepted for renewals. No portion of any fees paid by the applicant to the LHJ for previous authorization shall apply to practice permits issued under this chapter.

#### NEW SECTION

**WAC 196-31-060 Scope of practice.** A permit holder is authorized to perform or offer to perform designs of on-site wastewater treatment systems only in those counties where the applicant has provided LHJ verification of an authorization to practice at the time of application. Permit holders are required to be proficient in the technical design criteria and administrative code requirements for every LHJ in which they perform design services. Nothing in this chapter is intended to restrict or limit the ability of LHJs to accept homeowner designed on-site systems as provided in WAC 246-272-11501. Any practice with an expired permit shall constitute unprofessional conduct and grounds for disciplinary action.

#### NEW SECTION

**WAC 196-31-070 Brief adjudicative proceedings—Denials based on failure to meet prerequisites for licensure, practice permit, or examination.** The board adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants who are denied a license, practice permit, or opportunity to take an examina-

tion under chapter 18.210 RCW, because of failure to meet the prerequisites for said license, practice permit, or examination. The sole issue at the adjudicative proceeding shall be whether the applicant meets the prerequisites for the license, practice permit, or examination.

**WSR 00-08-060  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Division of Assistance Programs)

[Filed March 31, 2000, 11:01 a.m., effective April 1, 2000]

Date of Adoption: March 31, 2000.

Purpose: WAC 388-424-0015, the rule change will result in equitable treatment of immigrants under SFA and have it coincide with the temporary assistance to needy families (TANF) program in which residency requirements are no longer being enforced.

Citation of Existing Rules Affected by this Order: Amending WAC 388-424-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 00-05-110 on February 16, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Federal court decision in *Saenz v. Roe*, 134 F.3d 1400 (1999), established precedent that would require the repeal of this rule as soon as possible. No client will be adversely affected by implementing this rule on April 1, 2000.

Effective Date of Rule: April 1, 2000.

March 31, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-424-0015 Citizenship and alien status—Eligibility requirements for the state family assistance**

~~program (SFA). ((1) Aliens who first physically enter the U.S. on or after August 22, 1996 can receive SFA only after an adult caretaker relative in the assistance unit has resided in Washington state for twelve consecutive months. This requirement:~~

~~(a) Applies to an alien only once during his or her life-time; and~~

~~(b) Does not apply to North American Indians born in Canada who are allowed to cross the U.S./Canadian border freely under section 289 of the INA.~~

~~(2)) To receive SFA benefits, ((persons)) you must be:~~  
~~((a) Qualified aliens who are)) (1) A qualified alien who is not eligible for TANF benefits because of the five-year period of ineligibility described in WAC 388-424-0010(2); or~~  
~~((b) Aliens who are)) (2) An alien who is permanently residing in the U.S. under color of law (PRUCOL) as defined in WAC 388-424-0005(4).~~

### WSR 00-08-068

#### PERMANENT RULES

#### ATTORNEY GENERAL'S OFFICE

[Filed April 3, 2000, 11:09 a.m.]

Date of Adoption: March 31, 2000.

Purpose: New Motor Vehicle Warranties Act, chapter 19.118 RCW, amend chapter 44-10 WAC to implement chapter 298, Laws of 1998. Make editorial and minor procedural revisions to reflect attorney general resale disclosure forms.

Citation of Existing Rules Affected by this Order: Amending WAC 44-10-010, 44-10-170, and 44-10-200.

Statutory Authority for Adoption: RCW 19.118.808(2), 19.118.061, and section 6, chapter 298, Laws of 1998.

Adopted under notice filed as WSR 99-19-109 on September 20, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 44-10-010, no changes; WAC 44-10-170 (1)(f) and (2), minor clarification in response to submitted comments; and WAC 44-10-200(3), redrafted for clarification in response to submitted comments.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 31, 2000

Paul N. Corning

Lemon Law Administrator

Attorney General's Office

AMENDATORY SECTION (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

**WAC 44-10-010 Definitions.** Terms, when used in this chapter, shall have the same meaning as terms used in chapter 19.118 RCW. The following definitions shall supplement or aid in the interpretation of the definitions set forth in chapter 19.118 RCW.

~~((1) The phrase)) "Arbitration special master" means the individual or group of individuals selected by the board to hear and decide special issues timely brought before the board ((by the parties)).~~

~~((2) The terms)) "Attorney general" or "attorney general's office" means the person duly elected to serve as attorney general of the state of Washington and delegates authorized to act on his or her behalf.~~

~~((3) The phrase)) "Intervening transferor" means any person or entity which receives, buys or otherwise transfers the returned new motor vehicle prior to the first retail transfer, sale or lease subsequent to being repurchased or replaced by the manufacturer.~~

~~((4) The phrase)) "Lemon Law resale documents" refers to the following:~~

~~((a)) (1) "Lemon Law resale windshield display" means a document created and provided by the attorney general which identifies that: ((+)) (a) The vehicle was reacquired by the manufacturer after a determination, settlement or adjudication of a dispute; ((+)) (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and ((+)) (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer.~~

~~((b)) (2) "Lemon Law resale disclosure": Means a document created and provided by the attorney general which identifies that: ((+)) (a) The vehicle was reacquired by the manufacturer after a settlement, determination or adjudication of a dispute; ((+)) (b) the vehicle has one or more nonconformities or serious safety defects, or was out-of-service thirty or more days due to diagnosis or repair of one or more nonconformities; and ((+)) (c) the defects or conditions causing the vehicle to be reacquired by the manufacturer. The document will provide space for the manufacturer to indicate if each nonconformity or serious safety defect has been corrected and is warranted by the manufacturer.~~

~~((e) "Notice of correction and warranty" means a document created and provided by the attorney general which identifies each nonconformity or serious safety defect which was the basis of the settlement, determination or adjudication of the dispute. The document will provide space for the manufacturer to indicate whether each nonconformity or serious safety defect has been corrected and is warranted by the manufacturer.~~

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(d)) (3) "Notice of out-of-state disposition of a reacquired vehicle" refers to a document created and provided by the attorney general which requires the manufacturer, agent or dealer to identify the destination state and the dealer, auction, other person or entity to whom the manufacturer sells or otherwise transfers the reacquired vehicle when the vehicle is taken to another state for any disposition, including: resale, transfer or destruction.

((5) The term)) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

((6)) "Settlement" means the resolution of a dispute, under chapter 19.118 RCW, between the consumer and manufacturer after the new motor vehicle arbitration board has accepted the consumer's request for arbitration and which results in the manufacturer reacquiring the new motor vehicle directly or indirectly through an agent or a motor vehicle dealer.

((7)) "Similar law of another state" refers to the law of another state which creates remedies for a manufacturer's failure to conform a vehicle to its warranty and under which the vehicle was reacquired by the manufacturer.

**AMENDATORY SECTION** (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

**WAC 44-10-170 Powers and duties of arbitrators.** (1) Arbitrators shall have the duty to conduct fair and impartial hearings, to take all necessary actions to avoid delay in the disposition of proceedings, to maintain order, and to meet the sixty day time frame required by RCW 19.118.090 for the rendering of a decision. They shall have all powers necessary to meet these ends including, but not limited to, the power:

(a) To consider any and all evidence offered by the parties which the arbitrator deems necessary to an understanding and determination of the dispute;

(b) To regulate the course of the hearings and the conduct of the parties, their representatives and witnesses;

(c) To schedule vehicle inspection by the technical experts, if deemed necessary, at such time and place as the arbitrator determines;

(d) To continue the arbitration hearing to a subsequent date if, at the initial hearing, the arbitrator determines that additional information is necessary in order to render a fair and accurate decision. Such continuance shall be held within ten calendar days of the initial hearing;

(e) To impose sanctions for failure of a party to comply with a subpoena pursuant to RCW 19.118.080 (2)(b);

(f) To calculate and order the joint liability for compliance obligations of motor home manufacturers, when applicable, as part of an arbitration decision when ordering repurchase or replacement of a new motor vehicle.

(2) The board shall maintain an adequate pool of trained arbitrators and is responsible for the assignment of arbitrators to arbitration hearings. The selection and assignment of arbitrators is not subject to the approval of either party.

(3) Arbitrators must not have a personal interest in the outcome of any hearing, nor be acquainted with any of the participants except as such acquaintance may occur in the hearing process, nor hold any prejudice toward any party. Arbitrators shall not be directly involved in the manufacture,

distribution, sale, or warranty service of any motor vehicle. Arbitrators shall maintain their impartiality throughout the course of the arbitration proceedings.

(a) An arbitrator shall sign a written oath prior to the commencement of each arbitration hearing to which he or she has been assigned, attesting to his or her impartiality in that case.

(b) There shall be no direct communication between the parties and the arbitrators other than at the arbitration hearing. Any other oral or written communications between the parties and the arbitrators shall be channeled through the board. Any prohibited contact shall be reported by the arbitrators to the board and noted in the case record.

**AMENDATORY SECTION** (Amending WSR 96-03-155, filed 1/24/96, effective 2/24/96)

**WAC 44-10-200 The arbitration decision.** (1) The arbitration board shall send the decision to the parties in each case within sixty calendar days of acceptance of the request for arbitration:

(a) All decisions shall be written, in a form to be provided by the attorney general, dated and signed by the arbitrator, and sent by certified mail to the parties;

(b) The date of mailing of the arbitration decision shall determine compliance with the sixty day requirement to issue an arbitration decision;

(c) The written decision shall contain findings of fact and conclusions of law as to whether the motor vehicle meets the statutory standards for refund or replacement;

(i) If the consumer prevails and has elected repurchase of the vehicle, the decision shall include the statutory calculations used to determine the monetary award;

(ii) If the consumer prevails and has elected replacement of the vehicle, the decision shall identify or describe a reasonably equivalent replacement vehicle and any refundable incidental costs;

(iii) If the consumer prevails and the manufacturer is represented by counsel, the decision shall include a description of the awarded reasonable costs and attorneys' fees incurred by the consumer in connection with board proceedings.

Reasonable costs and attorneys' fees shall be determined by the arbitrator based on an affidavit of costs and fees prepared by the consumer's attorney and submitted no later than the conclusion of the arbitration hearing. The affidavit may be amended for post-hearing costs and fees. The amended affidavit of costs and fees must be delivered to the manufacturer's designated representative by certified mail or personal service and a copy submitted to the arbitration board by the consumer's attorney within thirty days of the consumer's acceptance of the decision but in no case after a manufacturer's compliance with a decision.

(2) Upon request of a party, an arbitrator shall make factual findings and modify the offset total where the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space is significantly greater or significantly less than that which could be reasonably expected based on the mileage attributable to the consumer's use of the motor home in an arbitration decision awarding repurchase or replacement of a

new motor vehicle originally purchased or leased at retail after June 30, 1998. An arbitrator will consider the actual amount of time that portions of the motor home were in use as dwelling, office or commercial space. The arbitrator shall not consider wear and tear resulting from:

(a) Defects in materials or workmanship in the manufacture of the motor home including the dwelling, office or commercial space;

(b) Damage due to removal of equipment pursuant to RCW 19.118.095 (1)(a); or

(c) Repairs.

The modification to the reasonable offset for use may not result in the addition or reduction of the offset for use calculation by more than one-third. The modification shall be specified as a percentage for reduction or addition to the offset calculation. The modification to the reasonable offset for use shall apply to the offset calculation at the time of repurchase or replacement of the motor home.

(3)(a) If a motor home manufacturer:

(i) Has met or exceeded the reasonable number of attempts to diagnose or repair the vehicle as set forth in RCW 19.118.041 (3)(a) or (b); or

(ii) Is responsible for sixty or more applicable days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the motor home manufacturer is independently liable for compliance with a decision awarding repurchase or replacement of the motor home.

(b) If a motor home manufacturer has not met the criteria set forth in (a)(i) and (ii) of this subsection, but has contributed to the combined total of sixty or more days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the manufacturer is jointly liable with the other liable motor home manufacturers for compliance with a decision awarding repurchase or replacement of the motor home.

(c) If a motor home manufacturer has met or exceeded the reasonable number of attempts to diagnose or repair the vehicle as set forth in RCW 19.118.041 (3)(a) or (b), and the manufacturer, together with one or more other motor home manufacturers, contributed to a combined total of sixty or more days out of service by reason of diagnosis or repair as set forth in RCW 19.118.041 (3)(c), the motor home manufacturer is jointly and severally liable for compliance with a decision awarding repurchase or replacement of the motor home.

(d) In a decision awarding repurchase or replacement of a motor home, and that allocates compliance liability, an arbitrator will identify the motor home manufacturer's minimum percentage of contribution to compliance with the award. In determining the allocation of liability among jointly liable motor home manufacturers, the arbitrator will consider a motor home manufacturer's contribution to the total number of applicable days out of service as a factor.

(e) When applicable as set forth in RCW 19.118.090(5), the arbitrator must allocate liability for the consumer's costs and attorneys' fees among the liable motor home manufacturers represented by counsel. The arbitrator will specify the liable motor home manufacturer's minimum percentage of contribution to compliance with the award. The motor home manufacturer's minimum percentage of contribution for the

consumer's costs and attorneys' fees may be different from the minimum percentage of contribution of the motor home manufacturer's compliance obligation due to other liable motor home manufacturers' lack of representation by counsel.

(f) An arbitrator must specify in the decision that the lack of compliance, late or delayed compliance, or the filing of an appeal by another liable motor home manufacturer will not affect a motor home manufacturer's independent liability for compliance with a decision awarding repurchase or replacement of the motor home.

(g) At the conclusion of the arbitration hearing regarding a motor home purchased or leased after June 30, 1998, a motor home manufacturer may present testimony and other evidence regarding the allocation of liability for compliance with arbitration decisions awarding repurchase or replacement of the motor home. If the motor home manufacturers agree amongst themselves to terms for the allocation of liability for compliance obligations, the arbitrator must include the terms in the arbitration decisions awarding repurchase or replacement of the motor home if the terms are consistent with the arbitration decisions, specific, complete and not otherwise contrary to chapter 19.118 RCW.

(4) Included with the copy of the arbitration decision sent to the consumer shall be a form to be completed by the consumer, indicating acceptance or rejection of the decision. The board shall forward general information to the consumer explaining the consumer's right to appeal the decision to superior court. The consumer must return the form to the board within sixty calendar days from the date of the consumer's receipt of the decision.

((3)) (5) The consumer shall have one hundred twenty calendar days from the date of the rejection of the decision to file a petition of appeal in superior court. At the time of filing an appeal, the consumer shall deliver by certified mail or by personal service a conformed copy of the petition to the attorney general.

((4)) (6) If the consumer accepts a decision which awards repurchase or replacement, the board shall send a copy of the form completed by the consumer indicating acceptance by certified mail to the manufacturer and shall include a manufacturer's intent form.

A verification of compliance form shall be sent to the consumer by the attorney general's office. The verification of compliance form shall be completed and returned to the attorney general by the consumer upon the manufacturer's compliance with the decision.

**WSR 00-08-078  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed April 4, 2000, 10:24 a.m., effective July 1, 2000]

Date of Adoption: April 4, 2000.

Purpose: Chapter 296-24 WAC, General safety and health standards and chapter 296-155 WAC, Safety standards for construction work.

Topic: Scaffold use in general industry.

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-09 issue of the Register.

**Citation of Existing Rules Affected by this Order:** Amending parts: Chapter 296-24 WAC, Part J-1 Working surfaces, guarding floors and wall openings, ladders, scaffolds; chapter 296-24 WAC, Part J-2 Powered platforms, etc.; and chapter 296-155 WAC, Part U Power distribution and transmission lines.

**Amending sections:** WAC 296-24-14519 Boatswain's chairs, 296-24-23027 Powered industrial truck operations, 296-24-23533 Crane and derrick suspended personnel (work) platforms, 296-24-900 Manlifts, 296-24-90001 Definitions, 296-24-90003 General requirements, 296-24-90005 Mechanical requirements, 296-24-90007 Operating rules, 296-24-90009 Periodic inspection, and 296-155-110 Accident prevention program.

**Repealing sections:** WAC 296-24-825 Safety requirements for scaffolding, 296-24-82501 Definitions, 296-24-82503 General requirements for all scaffolds, 296-24-82505 General requirements for wood pole scaffolds, 296-24-82507 Tube and coupler scaffolds, 296-24-82509 Tubular welded frame scaffolds, 296-24-82511 Outrigger scaffolds, 296-24-82513 Masons' adjustable multiple-point suspension scaffolds, 296-24-82515 Two-point suspension scaffolds (swinging scaffolds), 296-24-82517 Stone setters' adjustable multiple-point suspension scaffolds, 296-24-82519 Single-point adjustable suspension scaffolds, 296-24-82521 Boatswain's chairs, 296-24-82523 Carpenters' bracket scaffolds, 296-24-82525 Bricklayers' square scaffolds, 296-24-82527 Horse scaffolds, 296-24-82529 Needle beam scaffold, 296-24-82531 Plasterers', decorators', and large area scaffolds, 296-24-82533 Interior hung scaffolds, 296-24-82535 Ladder-jack scaffolds, 296-24-82537 Window-jack scaffolds, 296-24-82539 Roofing brackets, 296-24-82541 Crawling boards or chicken ladders, 296-24-82543 Float or ship scaffolds, 296-24-82545 Scope, 296-24-840 Manually propelled mobile ladder stands and scaffolds (towers), 296-24-84001 Definitions, 296-24-84003 General requirements, 296-24-84005 Mobile tubular welded frame scaffolds, 296-24-84007 Mobile tubular welded sectional folding scaffolds, 296-24-84009 Mobile tube and coupler scaffolds, 296-24-84011 Mobile work platforms, 296-24-84013 Mobile ladder stands, 296-24-870 Power platforms for exterior building maintenance, 296-24-87001 Definitions, 296-24-87009 Inspections and tests, 296-24-87011 Powered platform installations—Affected parts of buildings, 296-24-87013 Powered platform installations—Equipment, 296-24-87015 Maintenance, 296-24-87017 Operations, 296-24-87019 Personal fall protection, 296-24-87031 Appendix A—Guidelines (advisory), 296-24-87033 Appendix B—Exhibits (advisory), 296-24-87035 Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory), 296-24-87037 Appendix D—Existing installations (mandatory), 296-24-885 Vehicle-mounted elevating and rotating work platforms, 296-24-88501 Definitions, 296-24-88503 General requirements, and 296-24-88505 Specific requirements.

**Statutory Authority for Adoption:** RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 00-01-175 on December 21, 1999.

**Changes Other than Editing from Proposed to Adopted Version:** As a result of written and oral comments received, the following sections are being amended: WAC 296-24-86010 General requirements, subsection (7)(c)(iii), added this item to read, "On suspended scaffolds or similar work platforms with horizontal lifelines which may become vertical lifelines, the devices used to connect to a horizontal lifeline shall be capable of locking in both directions on the lifeline."

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 30, Amended 13, Repealed 48.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted on the Agency's Own Initiative:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 30, Amended 13, Repealed 48.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 30, Amended 13, Repealed 48.

**Effective Date of Rule:** July 1, 2000.

April 4, 2000

Gary Moore

Director

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-155-110 Accident prevention program.** (1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirement of this section provided:

(a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.

(b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC 296-24-040 Accident prevention programs, and WAC 296-24-045, Safety and health committee plan.

(2) Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazard involved. The department may be contacted for assistance in developing appropriate programs.

(3) The following are the minimal program elements for all employers:

A safety orientation program describing the employer's safety program and including:

(a) How, where, and when to report injuries, including instruction as to the location of first-aid facilities.

(b) How to report unsafe conditions and practices.

(c) The use and care of required personal protective equipment.

(d) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.

(e) Identification of the hazardous gases, chemicals, or materials involved along with the instructions on the safe use and emergency action following accidental exposure.

(f) A description of the employer's total safety program.

(g) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(4) Each accident-prevention program shall be outlined in written format.

(5) Every employer shall conduct crew leader-crew safety meetings as follows:

(a) Crew leader-crew safety meetings shall be held at the beginning of each job, and at least weekly thereafter.

(b) Crew leader-crew meetings shall be tailored to the particular operation.

(6) Crew leader-crew safety meetings shall address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation to assist in correction of hazards.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) Attendance shall be documented.

(e) Subjects discussed shall be documented.

**Note:** Subcontractors and their employees may, with the permission of the general contractor, elect to fulfill the requirements of subsection (5)(a) and (b) of this section by attending the prime contractors crew leader-crew safety meeting. Any of the requirements of subsections (6)(a), (b), (c), and (7) of this section not satisfied by the prime contractors safety meetings shall be the responsibility of the individual employers.

(7) Minutes of each crew leader-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day.

(8) Minutes of crew leader-crew safety meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the department, upon request.

(9) Every employer shall conduct walk-around safety inspections as follows:

(a) At the beginning of each job, and at least weekly thereafter, a walk-around safety inspection shall be conducted jointly by one member of management and one employee, elected by the employees, as their authorized representative.

(b) The employer shall document walk-around safety inspections and such documentation shall be available for inspection by personnel of the department.

(c) Records of walk-around inspections shall be maintained by the employer until the completion of the job.

## PART U

### POWER DISTRIBUTION AND TRANSMISSION

#### LINES(~~(reserved)~~)

Refer to chapter ~~((296-44))~~ 296-45 WAC, "Safety standards for electrical ~~((construction work))~~ workers."

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-14519 Boatswain's chairs. ~~((An employee shall be secured in the boatswain's chair with a safety belt or rope, and shall have a short rope with a sliding hitch between the employee's body or the chair and the hoistline.))~~ The employer must ensure that boatswain's chairs are used in accordance with the requirements of Part J-2, Scaffolds, chapter 296-24 WAC.

AMENDATORY SECTION (Amending WSR 00-01-176, filed 12/21/99, effective 3/1/00)

WAC 296-24-23027 Powered industrial truck operations. (1) Powered industrial trucks must not be driven up to anyone in front of a bench or other fixed object.

(2) Employers must not allow people under the elevated portion of any powered industrial truck, whether loaded or empty.

(3) Employers must not allow people to ride on powered industrial trucks unless a safe place to ride is provided.

(4) The employer must prohibit any body part from being placed between the uprights of the mast or outside the running lines of the truck.

(5) When leaving a powered industrial truck unattended, load engaging means must be fully lowered, controls must be neutralized, power must be shut off, and brakes set. Wheels blocked if the truck is parked on an incline.

(a) A powered industrial truck is unattended when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(b) When the operator of a powered industrial truck is dismounted and within 25 feet of the truck, still in view, the load engaging means must be fully lowered, controls neutralized, and the brakes set to prevent movement.

(6) A safe distance must be maintained from the edge of ramps, platforms while on any elevated dock, or platform or freight car. Powered industrial trucks must not be used for opening or closing freight car doors unless the truck is using an approved device specifically designed to open and close doors.

(a) The design of the door opening or closing device must require the force applied by the device to the door to be in a direction parallel with the door travel.

(b) The powered industrial truck operator must be trained in the use of the door opening or closing device and keep the operation in full view while opening or closing.

(c) People must stand clear while the door is being moved with a device.

(7) Brakes must be set and wheel blocks must be in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars must be checked for breaks and weakness before they are driven onto. Mechanical means may be utilized to secure trucks/trailers to loading docks in lieu of wheel chocks to prevent movement (reference WAC 296-24-23023).

(8) There must be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard must be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension must be used to prevent any part of the load from falling rearward.

(11) Employers must use only approved powered industrial trucks in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls that can be elevated with the lifting carriage or forks for lifting personnel, the following additional precautions must be taken:

(a) A safety platform secured to the lifting carriage and/or forks must be used.

(b) A means must be provided for people on the platform to shut the power off to the truck.

(c) Protection from falling objects as necessary by the operating conditions must be provided.

(13) When using powered industrial trucks (forklifts) as elevated work platforms a platform or structure built specifically for hoisting persons may be used if the following requirements are complied with:

(a) The structure must be securely attached to the forks and must have standard guardrails and toeboards installed on all sides.

(b) The hydraulic system must be so designed that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms must be identified as being designed for that purpose.

(c) A safety strap must be installed or the control lever must be locked to prevent the boom from tilting.

(d) An operator must attend the lift equipment while workers are on the platform.

(e) The operator must be in the normal operating position while raising or lowering the platform.

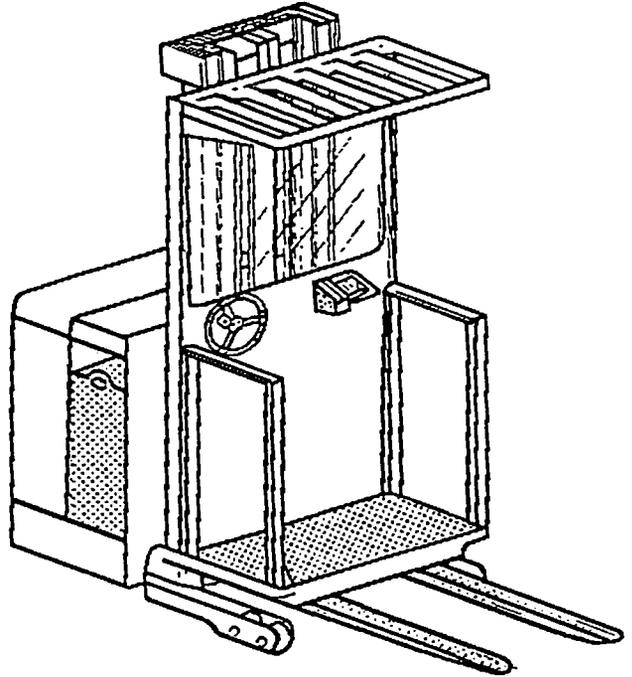
(f) Except when inching or maneuvering the powered industrial truck at a very slow speed, the vehicle must not be moved from point to point while workers are on the platform.

(g) The area between workers on the platform and the mast must be guarded to prevent contact with chains or other shear points.

(14) Access to fire aisles, stairways, and fire equipment must be kept clear.

(15) An active operator protection restraint device (such as a seatbelt or lap-bar) or system must be used, when provided.

(16) Powered industrial trucks used as order pickers (see Figure 1), that do not have standard guardrails on all open sides, must be equipped with a safety harness, lanyard, and a tie-off point approved by the manufacturer. Fall protection equipment must meet the criteria outlined in WAC ((296-24-87035)) 296-24-88050, Appendix C - personal fall arrest systems.



**AMENDATORY SECTION** (Amending WSR 96-09-030, filed 4/10/96, effective 6/1/96)

**WAC 296-24-23533 Crane and derrick suspended personnel (work) platforms.** (1) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) "Failure" means load refusal, breakage, or separation of components.

(b) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(c) "Load refusal" means the point where the ultimate strength is exceeded.

(d) "Maximum intended load" means the total load of all employees tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(e) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(3) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(4) Operational criteria.

(a) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(b) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 and applying the fifty percent derating of the crane capacity.

(c) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(d) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(e) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(f) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(g) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(h) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(i) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(j) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(k) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent

device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device and be securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(d) All eyes in wire rope sling shall be fabricated with thimbles.

(e) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(f) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut, and retaining pin shall be used.

(g) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body belt/harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems and body belt/harness anchorages are contained in (~~WAC 296-24-75007 and 296-24-82503(31) respectively~~) Parts J-1 and J-2 of this chapter.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of WAC 296-24-75007, and shall be enclosed at least from the toeboard to

mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of ANSI A10.14- 1975.

(j) Box-type platform: The workers lanyard shall be secured to the work platform or guardrail of the work platform.

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform.

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The side bar or rod shall extend a minimum of eight feet above the floor of the work platform.

(iv) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and prooftesting.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated liftweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be prooftested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After prooftesting, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another prooftest shall

be conducted. Personnel hoisting shall not be conducted until the prooftesting requirements are satisfied.

(g) The employer shall retain at the jobsite and produce when requested, documentation such as lift capacity information, verifying that the requirements of this standard have been met.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with those prescribed by the applicable ANSI standard for the type of crane or lift in use unless voice communication equipment is utilized. Signals shall be discernable or audible at all times.

(h) Except over water, employees occupying the personnel platform shall use a body belt/harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (4)(i) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new location, and shall be repeated for any employees newly assigned to the operation.

### PART J-1

#### WORKING SURFACES, GUARDING FLOORS AND WALL OPENINGS, LADDERS(~~(, SCAFFOLDS)~~)

##### Working surfaces, ladders, scaffolds

### PART J-2

#### (~~(POWERED PLATFORMS, ETC.)~~) SCAFFOLDS

#### NEW SECTION

**WAC 296-24-860 Scaffolds.** Scope and application. This part applies to all scaffolds used in workplaces covered by this chapter. It does not apply to crane or derrick suspended personnel platforms, which are covered by chapter 296-24 WAC, Part D. The criteria for manually propelled elevating work platforms are set out exclusively in WAC 296-24-875.

The criteria for self-propelled elevating work platforms are set out exclusively in WAC 296-24-87505.

The criteria for boom supported elevating work platforms are set out exclusively in WAC 296-24-87510.

The criteria for aerial lifts are set out exclusively in WAC 296-24-87515.

Additional requirements for forklift supported personnel platforms are set out in WAC 296-24-23027.

#### NEW SECTION

**WAC 296-24-86005 Definitions applicable to this part.** "Adjustable suspension scaffold" means a suspension scaffold equipped with a hoist(s) that can be operated by an employee(s) on the scaffold.

"Bearer (putlog)" means a horizontal transverse scaffold member (which may be supported by ledgers or runners) upon which the scaffold platform rests and which joins scaffold uprights, posts, poles, and similar members.

"Boatswains' chair" means a single-point adjustable suspension scaffold consisting of a seat or sling designed to support one employee in a sitting position.

"Body belt (safety belt)" means a strap with means both for securing it about the waist and for attaching it to a

lanyard or lifeline, used only in fall restraint or positioning device systems. A body belt may not be used for fall arrest.

**"Body harness"** means a design of straps which may be secured about the employee in a manner to distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders, with means for attaching it to other components of a personal fall arrest system.

**"Brace"** means a rigid connection that holds one scaffold member in a fixed position with respect to another member, or to a building or structure.

**"Bricklayers' square scaffold"** means a supported scaffold composed of framed squares which support a platform.

**"Carpenters' bracket scaffold"** means a supported scaffold consisting of a platform supported by brackets attached to building or structural walls.

**"Catenary scaffold"** means a suspension scaffold consisting of a platform supported by two essentially horizontal and parallel ropes attached to structural members of a building or other structure. Additional support may be provided by vertical pickups.

**"Chimney hoist"** means a multi-point adjustable suspension scaffold used to provide access to work inside chimneys. (See "multi-point adjustable suspension scaffold.")

**"Cleat"** means a structural block used at the end of a platform to prevent the platform from slipping off its supports. Cleats are also used to provide footing on sloped surfaces such as crawling boards.

**"Climbing ladder"** means a separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.

**"Competent person"** means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

**"Continuous run scaffold (run scaffold)"** means a two-point or multi-point adjustable suspension scaffold constructed using a series of interconnected braced scaffold members or supporting structures erected to form a continuous scaffold.

**"Coupler"** means a device for locking together the tubes of a tube and coupler scaffold.

**"Crawling board (chicken ladder)"** means a supported scaffold consisting of a plank with cleats spaced and secured to provide footing, for use on sloped surfaces such as roofs.

**"Deceleration device"** means any mechanism, such as a rope grab, rip-stitch lanyard, specially-woven lanyard, tearing or deforming lanyard, or automatic self-retracting lifeline lanyard, which dissipates a substantial amount of energy during a fall arrest or limits the energy imposed on an employee during fall arrest.

**"Design working load"** means the maximum intended load, being the total of all loads including the weight of the people, materials, equipment, and platform.

**"Double pole (independent pole) scaffold"** means a supported scaffold consisting of a platform(s) resting on cross beams (bearers) supported by ledgers and a double row

of uprights independent of support (except ties, guys, braces) from any structure.

**"Equivalent"** means alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

**"Exposed power lines"** means electrical power lines which are accessible to employees and which are not shielded from contact. Such lines do not include extension cords or power tool cords.

**"Eye or eye splice"** means a loop with or without a thimble at the end of a wire rope.

**"Fabricated decking and planking"** means manufactured platforms made of wood (including laminated wood, and solid sawn wood planks), metal or other materials.

**"Fabricated frame scaffold (tubular welded frame scaffold)"** means a scaffold consisting of a platform(s) supported on fabricated end frames with integral posts, horizontal bearers, and intermediate members.

**"Failure"** means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

**"Falling object protection"** means those devices, systems, structures, work practices or other means intended to prevent tools, materials, debris and other objects from falling or to deflect or contain falling objects in order to prevent them striking workers below.

**"Float (ship) scaffold"** means a suspension scaffold consisting of a braced platform resting on two parallel bearers and hung from overhead supports by ropes of fixed length.

**"Form scaffold"** means a supported scaffold consisting of a platform supported by brackets attached to formwork.

**"Guardrail system"** means a vertical barrier, consisting of, but not limited to, top rails, midrails, and posts, erected to prevent employees from falling off a scaffold platform or walkway to lower levels.

**"Handrail"** means a rail connected to a ladder stand running parallel to the slope and/or top step.

**"Hoist"** means a manual or power-operated mechanical device to raise or lower a suspended scaffold.

**"Horse scaffold"** means a supported scaffold consisting of a platform supported by construction horses (saw horses). Horse scaffolds constructed of metal are sometimes known as trestle scaffolds.

**"Independent pole scaffold"** (see "double pole scaffold").

**"Interior hung scaffold"** means a suspension scaffold consisting of a platform suspended from the ceiling or roof structure by fixed length supports.

**"Ladder jack scaffold"** means a supported scaffold consisting of a platform resting on brackets attached to ladders.

**"Ladder stand"** means a mobile, fixed-size, self-supporting ladder consisting of a wide flat tread ladder in the form of stairs.

**"Landing"** means a platform at the end of a flight of stairs.

**"Large area scaffold"** means a pole scaffold, tube and coupler scaffold, systems scaffold, or fabricated frame scaffold erected over substantially the entire work area. For example: A scaffold erected over the entire floor area of a room.

**"Lean-to scaffold"** means a supported scaffold which is kept erect by tilting it toward and resting it against a building or structure.

**"Ledger"** - see runner.

**"Lifeline"** means a component consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline), or that connects to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**"Lower levels"** means areas below the level where the employee is located and to which an employee can fall. Such areas include, but are not limited to, ground levels, floors, roofs, ramps, runways, excavations, pits, tanks, materials, water, and equipment.

**"Masons' adjustable supported scaffold"** (see "self-contained adjustable scaffold").

**"Masons' multi-point adjustable suspension scaffold"** means a continuous run suspension scaffold designed and used for masonry operations.

**"Maximum intended load"** means the total load of all persons, equipment, tools, materials, transmitted loads, and other loads reasonably anticipated to be applied to a scaffold or scaffold component at any one time.

**"Mobile"** means manually propelled.

**"Mobile scaffold"** means a powered or unpowered, portable, caster or wheel-mounted supported scaffold.

**"Mobile work platform"** means generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.

**"Multi-level suspended scaffold"** means a two-point or multi-point adjustable suspension scaffold with a series of platforms at various levels resting on common stirrups.

**"Multi-point adjustable suspension scaffold"** means a suspension scaffold consisting of a platform(s) which is suspended by more than two ropes from overhead supports and equipped with means to raise and lower the platform to desired work levels. Such scaffolds include chimney hoists.

**"Needle beam scaffold"** means a platform suspended from needle beams.

**"Open sides and ends"** means the edges of a platform that are more than 14 inches (36 cm) away horizontally from a sturdy, continuous, vertical surface (such as a building wall) or a sturdy, continuous horizontal surface (such as a floor), or a point of access. Exception: For plastering and lathing operations the horizontal threshold distance is 18 inches (46 cm).

**"Outrigger"** means the structural member of a supported scaffold used to increase the base width of a scaffold in order to provide support for and increased stability of the scaffold.

**"Outrigger beam (thrustout)"** means the structural member of a suspension scaffold or outrigger scaffold which provides support for the scaffold by extending the scaffold point of attachment to a point out and away from the structure or building.

**"Outrigger scaffold"** means a supported scaffold consisting of a platform resting on outrigger beams (thrustouts) projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside the building or structure.

**"Overhand bricklaying"** means the process of laying bricks and masonry units such that the surface of the wall to be jointed is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. It includes mason tending and electrical installation incorporated into the brick wall during the overhand brick-laying process.

**"Personal fall arrest system"** means a system used to arrest an employee's fall. It consists of an anchorage, connectors, and body harness and may also include a lanyard, deceleration device, lifeline, or combinations of these.

**"Platform"** means a work surface elevated above lower levels. Platforms can be constructed using individual wood planks, fabricated planks, fabricated decks, and fabricated platforms.

**"Pole scaffold"** (see definitions for "single-pole scaffold" and "double (independent) pole scaffold").

**"Power operated hoist"** means a hoist which is powered by other than human energy.

**"Pump jack scaffold"** means a supported scaffold consisting of a platform supported by vertical poles and movable support brackets.

**"Putlog"** - see bearer.

**"Qualified"** means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

**"Rated load"** means the manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

**"Repair bracket scaffold"** means a supported scaffold consisting of a platform supported by brackets which are secured in place around the circumference or perimeter of a chimney, stack, tank or other supporting structure by one or more wire ropes placed around the supporting structure.

**"Ribbon"** - see runner.

**"Roof bracket scaffold"** means a rooftop supported scaffold consisting of a platform resting on angular-shaped supports.

**"Runner (ledger or ribbon)"** means the lengthwise horizontal spacing or bracing member which may support the bearers.

**"Scaffold"** means any temporary elevated platform (supported or suspended) and its supporting structure (including points of anchorage), used for supporting employees or materials or both.

**"Self-contained adjustable scaffold"** means a combination supported and suspension scaffold consisting of an adjustable platform(s) mounted on an independent supporting frame(s) not a part of the object being worked on, and which is equipped with a means to permit the raising and lowering of the platform(s). Such systems include rolling roof rigs, rolling outrigger systems, and some masons' adjustable supported scaffolds.

**"Shore scaffold"** means a supported scaffold which is placed against a building or structure and held in place with props.

**"Single-point adjustable suspension scaffold"** means a suspension scaffold consisting of a platform suspended by one rope from an overhead support and equipped with means to permit the movement of the platform to desired work levels.

**"Single-pole scaffold"** means a supported scaffold consisting of a platform(s) resting on bearers, the outside ends of which are supported on runners secured to a single row of posts or uprights, and the inner ends of which are supported on or in a structure or building wall.

**"Stair tower (scaffold stairway/tower)"** means a tower comprised of scaffold components and which contains internal stairway units and rest platforms. These towers are used to provide access to scaffold platforms and other elevated points such as floors and roofs.

**"Stall load"** means the load at which the prime-mover of a power-operated hoist stalls or the power to the prime-mover is automatically disconnected.

**"Step, platform, and trestle ladder scaffold"** means a platform resting directly on the rungs of step ladders or trestle ladders.

**"Stilts"** means a pair of poles or similar supports with raised footrests, used to permit walking above the ground or working surface.

**"Stonesetters' multi-point adjustable suspension scaffold"** means a continuous run suspension scaffold designed and used for stonesetters' operations.

**"Supported scaffold"** means one or more platforms supported by outrigger beams, brackets, poles, legs, uprights, posts, frames, or similar rigid support.

**"Suspension scaffold"** means one or more platforms suspended by ropes or other nonrigid means from an overhead structure(s).

**"System scaffold"** means a scaffold consisting of posts with fixed connection points that accept runners, bearers, and diagonals that can be interconnected at predetermined levels.

**"Tank builders' scaffold"** means a supported scaffold consisting of a platform resting on brackets that are either directly attached to a cylindrical tank or attached to devices that are attached to such a tank.

**"Toeboard"** means a barrier installed at the outermost edge of a walking/working surface to prevent objects from falling onto workers below.

**"Top plate bracket scaffold"** means a scaffold supported by brackets that hook over or are attached to the top of a wall. This type of scaffold is similar to carpenters' bracket

scaffolds and form scaffolds and is used in residential construction for setting trusses.

**"Tube and coupler scaffold"** means a supported or suspended scaffold consisting of a platform(s) supported by tubing, erected with coupling devices connecting uprights, braces, bearers, and runners.

**"Tubular welded frame scaffold"** (see "fabricated frame scaffold").

**"Tubular welded sectional folding scaffold"** means a sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.

**"Two-point suspension scaffold (swing stage)"** means a suspension scaffold consisting of a platform supported by hangers (stirrups) suspended by two ropes from overhead supports and equipped with means to permit the raising and lowering of the platform to desired work levels.

**"Unstable objects"** means items whose strength, configuration, or lack of stability may allow them to become dislocated and shift and therefore may not properly support the loads imposed on them. Unstable objects do not constitute a safe base support for scaffolds, platforms, or employees. Examples include, but are not limited to, barrels, boxes, loose brick, and concrete blocks.

**"Vertical pickup"** means a rope used to support the horizontal rope in catenary scaffolds.

**"Walkway"** means a portion of a scaffold platform used only for access and not as a work level.

**"Window jack scaffold"** means a platform resting on a bracket or jack which projects through a window opening.

**"Work level"** means the elevated platform, used for supporting workers and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

## NEW SECTION

**WAC 296-24-86010 General requirements.** This section does not apply to manually propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-875.

This section does not apply to self-propelled elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-87505.

This section does not apply to boom supported elevating work platforms, the criteria for which are set out exclusively in WAC 296-24-87510.

This section does not apply to aerial lifts, the criteria for which are set out exclusively in WAC 296-24-87515.

(1) "Capacity."

(a) Except as provided in (b), (c), (d) and (e) of this subsection and subsection (7) of this section, each scaffold and scaffold component must be capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it.

(b) Direct connections to roofs and floors, and counterweights used to balance adjustable suspension scaffolds, must be capable of resisting at least 4 times the tipping moment imposed by the scaffold operating at the rated load of the hoist, or 1.5 (minimum) times the tipping moment imposed by the scaffold operating at the stall load of the hoist, whichever is greater.

(c) Each suspension rope, including connecting hardware, used on nonadjustable suspension scaffolds must be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope.

(d) Each suspension rope, including connecting hardware, used on adjustable suspension scaffolds must be capable of supporting, without failure, at least 6 times the maximum intended load applied or transmitted to that rope with the scaffold operating at either the rated load of the hoist, or 2 (minimum) times the stall load of the hoist, whichever is greater.

(e) The stall load of any scaffold hoist must not exceed 3 times its rated load.

(f) Scaffolds must be designed by a qualified person and must be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with subsection (1) of this section.

(2) "Scaffold platform construction."

(a) Each platform on all working levels of scaffolds must be fully planked or decked between the front uprights and the guardrail supports as follows:

(i) Each platform unit (e.g., scaffold plank, fabricated plank, fabricated deck, or fabricated platform) must be installed so that the space between adjacent units and the space between the platform and the uprights is no more than 1 inch (2.5 cm) wide, except where the employer can demonstrate that a wider space is necessary (for example, to fit around uprights when side brackets are used to extend the width of the platform).

(ii) Where the employer makes the demonstration provided for in subsection (2)(a)(i) of this section, the platform must be planked or decked as fully as possible and the remaining open space between the platform and the uprights must not exceed 9 1/2 inches (24.1 cm).

Exception to subsection (2)(a) of this section: The requirement in subsection (2)(a) of this section to provide full planking or decking does not apply to platforms used solely as walkways or solely by employees performing scaffold erection or dismantling. In these situations, only the planking necessary to provide safe working conditions is required. Employees on those platforms must be protected from fall hazards in accordance with subsection (7) of this section.

(b) Except as provided in subsection (2)(b)(i) and (ii) of this section, each scaffold platform and walkway must be at least 18 inches (46 cm) wide.

(i) Each ladder jack scaffold, top plate bracket scaffold, roof bracket scaffold, and pump jack scaffold must be at least 12 inches (30 cm) wide. There is no minimum width requirement for boatswains' chairs.

(ii) Where scaffolds must be used in areas that the employer can demonstrate are so narrow that platforms and walkways cannot be at least 18 inches (46 cm) wide, such

platforms and walkways must be as wide as feasible, and employees on those platforms and walkways must be protected from fall hazards by the use of guardrails and/or personal fall arrest systems.

(c) Except as provided in subsection (2)(c)(i) and (ii) of this section, the front edge of all platforms must not be more than 14 inches (36 cm) from the face of the work, unless guardrail systems are erected along the front edge and/or personal fall arrest systems are used in accordance with subsection (7) of this section to protect employees from falling.

(i) The maximum distance from the face for outrigger scaffolds must be 3 inches (8 cm);

(ii) The maximum distance from the face for plastering and lathing operations must be 18 inches (46 cm).

(d) Each end of a platform, unless cleated or otherwise restrained by hooks or equivalent means, must extend over the centerline of its support at least 6 inches (15 cm).

(e) Unless the platform is designed and installed so that the cantilevered portion of the platform is able to support employees and/or materials without tipping, or has guardrails which block employee access to the cantilevered end, the end of a platform must not extend over its support more than:

(i) 12 inches (30 cm) for platforms 10 feet or less in length;

(ii) 18 inches (46 cm) for platforms greater than 10 feet in length.

(f) On scaffolds where scaffold planks are abutted to create a long platform, each abutted end must rest on a separate support surface. This provision does not preclude the use of common support members, such as "T" sections, to support abutting planks, or hook on platforms designed to rest on common supports.

(g) On scaffolds where platforms are overlapped to create a long platform, the overlap must occur only over supports, and must not be less than 12 inches (30 cm) unless the platforms are nailed together or otherwise restrained to prevent movement.

(h) At all points of a scaffold where the platform changes direction, such as turning a corner, any platform that rests on a bearer at an angle other than a right angle must be laid first, and platforms which rest at right angles over the same bearer must be laid second, on top of the first platform.

(i) Wood platforms must not be covered with opaque finishes, except that platform edges may be covered or marked for identification. Platforms may be coated periodically with wood preservatives, fire-retardant finishes, and slip-resistant finishes; however, the coating may not obscure the top or bottom wood surfaces.

(j) Scaffold components must not be intermixed unless the components fit together without force and the scaffold's structural integrity is maintained by the user. Scaffold components must not be modified in order to intermix them unless a qualified person determines the resulting scaffold is structurally sound.

(k) Scaffold components made of dissimilar metals must not be used together unless a competent person has determined that galvanic action will not reduce the strength of any component to a level below that required by subsection (1)(a) of this section.

(3) "Criteria for supported scaffolds."

(a) Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) must be restrained from tipping by guying, tying, bracing, or equivalent means, as follows:

(i) Guys, ties, and braces must be installed at locations where horizontal members support both inner and outer legs.

(ii) Guys, ties, and braces must be installed according to the scaffold manufacturer's recommendations or at the closest horizontal member to the 4:1 height and be repeated vertically at locations of horizontal members every 20 feet (6.1 m) or less thereafter for scaffolds 3 feet (0.91 m) wide or less, and every 26 feet (7.9 m) or less thereafter for scaffolds greater than 3 feet (0.91 m) wide. The top guy, tie or brace of completed scaffolds must be placed no further than the 4:1 height from the top. Such guys, ties and braces must be installed at each end of the scaffold and at horizontal intervals not to exceed 30 feet (9.1 m) (measured from one end (not both) towards the other).

(b) Ties, guys, braces, or outriggers must be used to prevent the tipping of supported scaffolds in all circumstances where an eccentric load, such as a cantilevered work platform, is applied or is transmitted to the scaffold.

(c) Supported scaffold poles, legs, posts, frames, and uprights must bear on base plates resting on adequate firm foundation, such as dry compacted soil, mud sills or concrete slabs.

(i) Footings must be level, sound, rigid, and capable of supporting the loaded scaffold without settling or displacement.

(ii) Unstable objects must not be used to support scaffolds or platform units.

(iii) Unstable objects must not be used as working platforms.

(iv) Front-end loaders and similar pieces of equipment must not be used to support scaffold platforms unless they have been specifically designed by the manufacturer for such use.

(v) Forklifts must not be used to support scaffold platforms unless the entire platform is attached to the fork and the forklift is not moved horizontally while the platform is occupied.

(d) Supported scaffold poles, legs, posts, frames, and uprights must be plumb and braced to prevent swaying and displacement.

(4) "Criteria for suspension scaffolds."

(a) All suspension scaffold support devices, such as outrigger beams, cornice hooks, parapet clamps, and similar devices, must rest on surfaces capable of supporting at least 4 times the load imposed on them by the scaffold operating at the rated load of the hoist (or at least 1.5 times the load imposed on them by the scaffold at the stall capacity of the hoist, whichever is greater).

(b) Suspension scaffold outrigger beams, when used, must be made of structural metal or equivalent strength material, and must be restrained to prevent movement.

(c) The inboard ends of suspension scaffold outrigger beams must be stabilized by bolts or other direct connections to the floor or roof deck, or they must have their inboard ends stabilized by counterweights, except masons' multi-point

adjustable suspension scaffold outrigger beams must not be stabilized by counterweights.

(i) Before the scaffold is used, direct connections must be evaluated by a competent person who must confirm, based on the evaluation, that the supporting surfaces are capable of supporting the loads to be imposed. In addition, masons' multi-point adjustable suspension scaffold connections must be designed by an engineer experienced in such scaffold design.

(ii) Counterweights must be made of nonflowable material. Sand, gravel and similar materials that can be easily dislocated must not be used as counterweights.

(iii) Only those items specifically designed as counterweights must be used to counterweight scaffold systems. Construction materials such as, but not limited to, masonry units and rolls of roofing felt, must not be used as counterweights.

(iv) Counterweights must be secured by mechanical means to the outrigger beams to prevent accidental displacement.

(v) Counterweights must not be removed from an outrigger beam until the scaffold is disassembled.

(vi) Outrigger beams which are not stabilized by bolts or other direct connections to the floor or roof deck must be secured by tiebacks.

(vii) Tiebacks must be equivalent in strength to the suspension ropes.

(viii) Outrigger beams must be placed perpendicular to its bearing support (usually the face of the building or structure). However, where the employer can demonstrate that it is not possible to place an outrigger beam perpendicular to the face of the building or structure because of obstructions that cannot be moved, the outrigger beam may be placed at some other angle, provided opposing angle tiebacks are used.

(ix) Tiebacks must be secured to a structurally sound anchorage on the building or structure. Sound anchorages include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit.

(x) Tiebacks must be installed perpendicular to the face of the building or structure, or opposing angle tiebacks must be installed. Single tiebacks installed at an angle are prohibited.

(d) Suspension scaffold outrigger beams must be:

(i) Provided with stop bolts or shackles at both ends;

(ii) Securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams;

(iii) Installed with all bearing supports perpendicular to the beam center line;

(iv) Set and maintained with the web in a vertical position; and

(v) When an outrigger beam is used, the shackle or clevis with which the rope is attached to the outrigger beam must be placed directly over the center line of the stirrup.

(e) Suspension scaffold support devices such as cornice hooks, roof hooks, roof irons, parapet clamps, or similar devices must be:

(i) Made of steel, wrought iron, or materials of equivalent strength;

(ii) Supported by bearing blocks; and

(iii) Secured against movement by tiebacks installed at right angles to the face of the building or structure, or opposing angle tiebacks must be installed and secured to a structurally sound point of anchorage on the building or structure. Sound points of anchorage include structural members, but do not include standpipes, vents, other piping systems, or electrical conduit;

(iv) Tiebacks must be equivalent in strength to the hoisting rope.

(f) When winding drum hoists are used on a suspension scaffold, they must contain not less than four wraps of the suspension rope at the lowest point of scaffold travel. When other types of hoists are used, the suspension ropes must be long enough to allow the scaffold to be lowered to the level below without the rope end passing through the hoist, or the rope end must be configured or provided with means to prevent the end from passing through the hoist.

(g) The use of repaired wire rope as suspension rope is prohibited.

(h) Wire suspension ropes must not be joined together except through the use of eye splice thimbles connected with shackles or coverplates and bolts.

(i) The load end of wire suspension ropes must be equipped with proper size thimbles and secured by eyesplicing or equivalent means.

(j) Ropes must be inspected for defects by a competent person prior to each workshift and after every occurrence which could affect a rope's integrity. Ropes must be replaced if any of the following conditions exist:

(i) Any physical damage which impairs the function and strength of the rope.

(ii) Kinks that might impair the tracking or wrapping of rope around the drum(s) or sheave(s).

(iii) Six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay.

(iv) Abrasion, corrosion, scrubbing, flattening or peening causing loss of more than one-third of the original diameter of the outside wires.

(v) Heat damage caused by a torch or any damage caused by contact with electrical wires.

(vi) Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

(k) Swaged attachments or spliced eyes on wire suspension ropes must not be used unless they are made by the wire rope manufacturer or a qualified person.

(l) When wire rope clips are used on suspension scaffolds:

(i) There must be a minimum of 3 wire rope clips installed, with the clips a minimum of 6 rope diameters apart;

(ii) Clips must be installed according to the manufacturer's recommendations;

(iii) Clips must be retightened to the manufacturer's recommendations after the initial loading;

(iv) Clips must be inspected and retightened to the manufacturer's recommendations at the start of each workshift thereafter;

(v) U-bolt clips must not be used at the point of suspension for any scaffold hoist;

(vi) When U-bolt clips are used, the U-bolt must be placed over the dead end of the rope, and the saddle must be placed over the live end of the rope.

(m) Suspension scaffold power-operated hoists and manual hoists must be tested by a qualified testing laboratory.

(n) Gasoline-powered equipment and hoists must not be used on suspension scaffolds.

(o) Gears and brakes of power-operated hoists used on suspension scaffolds must be enclosed.

(p) In addition to the normal operating brake, suspension scaffold power-operated hoists and manually operated hoists must have a braking device or locking pawl which engages automatically when a hoist makes either of the following uncontrolled movements: An instantaneous change in momentum or an accelerated overspeed.

(q) Manually operated hoists must require a positive crank force to descend.

(r) Two-point and multi-point suspension scaffolds must be tied or otherwise secured to prevent them from swaying, as determined to be necessary based on an evaluation by a competent person. Window cleaners' anchors must not be used for this purpose.

(s) Devices whose sole function is to provide emergency escape and rescue must not be used as working platforms. This provision does not preclude the use of systems which are designed to function both as suspension scaffolds and emergency systems.

(5) "Access." This paragraph applies to scaffold access for all employees. Access requirements for employees erecting or dismantling supported scaffolds are specifically addressed in (i) of this subsection.

(a) When scaffold platforms are more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from another scaffold, structure, personnel hoist, or similar surface must be used. Crossbraces must not be used as a means of access.

(b) Portable, hook-on, and attachable ladders (additional requirements for the proper construction and use of portable ladders are contained in Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders):

(i) Portable, hook-on, and attachable ladders must be positioned so as not to tip the scaffold;

(ii) Hook-on and attachable ladders must be positioned so that their bottom rung is not more than 24 inches (61 cm) above the scaffold supporting level;

(iii) When hook-on and attachable ladders are used on a supported scaffold more than 24 feet (7.3 m) high, they must have rest platforms at 20 foot (6.1 m) maximum vertical intervals except the first platform may be up to 24 feet above the ground;

(iv) Hook-on and attachable ladders must be specifically designed for use with the type of scaffold used;

(v) Hook-on and attachable ladders must have a minimum rung length of 11 1/2 inches (29 cm); and

(vi) Hook-on and attachable ladders must have uniformly spaced rungs with a maximum spacing between rungs of 16 3/4 inches.

(c) Stairway-type ladders must:

(i) Be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level;

(ii) Be provided with rest platforms at 12-foot (3.7 m) maximum vertical intervals;

(iii) Have a minimum step width of 16 inches (41 cm), except that mobile scaffold stairway-type ladders must have a minimum step width of 11 1/2 inches (30 cm); and

(iv) Have slip-resistant treads on all steps and landings.

(d) Stairtowers (scaffold stairway/towers) must be positioned such that their bottom step is not more than 24 inches (61 cm) above the scaffold supporting level.

(i) A stairrail consisting of a top rail and a midrail must be provided on each side of each scaffold stairway.

(ii) The top rail of each stairrail system must also be capable of serving as a handrail, unless a separate handrail is provided.

(iii) Handrails, and top rails that serve as handrails, must provide an adequate handhold for employees grasping them to avoid falling.

(iv) Stairrail systems and handrails must be surfaced to prevent injury to employees from punctures or lacerations, and to prevent snagging of clothing.

(v) The ends of stairrail systems and handrails must be constructed so that they do not constitute a projection hazard.

(vi) Handrails and top rails that are used as handrails, must be at least 3 inches (7.6 cm) from other objects.

(vii) Stairrails must be not less than 28 inches (71 cm) nor more than 37 inches (94 cm) from the upper surface of the stairrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(viii) A landing platform at least 18 inches (45.7 cm) wide by at least 18 inches (45.7 cm) long must be provided at each level.

(ix) Each scaffold stairway must be at least 18 inches (45.7 cm) wide between stairrails.

(x) Treads and landings must have slip-resistant surfaces.

(xi) Stairways must be installed between 40 degrees and 60 degrees from the horizontal.

(xii) Guardrails meeting the requirements of subsection (7)(d) of this section must be provided on the open sides and ends of each landing.

(xiii) Riser height must be uniform, within 1/4 inch (0.6 cm) for each flight of stairs. Greater variations in riser height are allowed for the top and bottom steps of the entire system, not for each flight of stairs.

(xiv) Tread depth must be uniform, within 1/4 inch, for each flight of stairs.

(e) Ramps and walkways.

(i) Ramps and walkways 4 feet (1.2 m) or more above lower levels must have guardrail systems which comply with Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders.

(ii) Ramps or walkways must not be inclined more than a slope of one vertical to three horizontal (20 degrees above the horizontal).

(iii) If the slope of a ramp or a walkway is steeper than one vertical in eight horizontal, the ramp or walkway must

have cleats not more than 14 inches (35 cm) apart which are securely fastened to the planks to provide footing.

(f) Integral prefabricated scaffold access frames must:

(i) Be specifically designed and constructed for use as ladder rungs;

(ii) Have a rung length of at least 8 inches (20 cm);

(iii) Not be used as work platforms when rungs are less than 11 1/2 inches in length, unless each affected employee uses fall protection, or a positioning device, which complies with WAC 296-24-88050, Appendix C, Part I;

(iv) Be uniformly spaced within each frame section;

(v) Be provided with rest platforms at 20-foot (6.1 m) maximum vertical intervals on all supported scaffolds more than 24 feet (7.3 m) high; and

(vi) Have a maximum spacing between rungs of 16 3/4 inches (43 cm). Nonuniform rung spacing caused by joining end frames together is allowed, provided the resulting spacing does not exceed 16 3/4 inches (43 cm).

(g) Steps and rungs of ladder and stairway type access must line up vertically with each other between rest platforms.

(h) Direct access to or from another surface must be used only when the scaffold is not more than 14 inches (36 cm) horizontally and not more than 24 inches (61 cm) vertically from the other surface.

(i) Access for employees erecting or dismantling supported scaffolds must be in accordance with the following:

(i) The employer must provide safe means of access for each employee erecting or dismantling a scaffold where the provision of safe access is feasible and does not create a greater hazard. The employer must have a competent person determine whether it is feasible or would pose a greater hazard to provide, and have employees use a safe means of access. This determination must be based on site conditions and the type of scaffold being erected or dismantled.

(ii) Hook-on or attachable ladders must be installed as soon as scaffold erection has progressed to a point that permits safe installation and use.

(iii) When erecting or dismantling tubular welded frame scaffolds, (end) frames, with horizontal members that are parallel, level and are not more than 22 inches apart vertically may be used as climbing devices for access, provided they are erected in a manner that creates a usable ladder and provides good hand hold and foot space.

(iv) Cross braces on tubular welded frame scaffolds must not be used as a means of access or egress.

(6) "Use."

(a) Scaffolds and scaffold components must not be loaded in excess of their maximum intended loads or rated capacities, whichever is less.

(b) The use of shore or lean-to scaffolds is prohibited.

(c) Scaffolds and scaffold components must be inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity.

(d) Any part of a scaffold damaged or weakened such that its strength is less than that required by subsection (1)(a) of this section must be immediately repaired or replaced, braced to meet those provisions, or removed from service until repaired.

(e) Scaffolds must not be moved horizontally while employees are on them, unless they have been designed by a registered professional engineer specifically for such movement or, for mobile scaffolds, where the provisions of WAC 296-24-86015(23) are followed.

(f) The clearance between scaffolds and power lines must be as follows: Scaffolds must not be erected, used, dismantled, altered, or moved such that they or any conductive material handled on them might come closer to exposed and energized power lines than as follows:

*Insulated Lines		
Voltage	Minimum distance	Alternatives
Less than 300 volts.	3 feet (0.9 m)	2 times the length of the line insulator, but never less than 10 feet (3.1 m).
*300 volts to 50 kv.	10 feet (3.1 m)	
More than 50 kv . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	
*Uninsulated Lines		
Voltage	Minimum distance	Alternatives
Less than 50 kv . . .	10 feet (3.1 m).	2 times the length of the line insulator, but never less than 10 feet (3.1 m).
More than 50 kv . . .	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv.	

Exception to (f) of this subsection: Scaffolds and materials may be closer to power lines than specified above where such clearance is necessary for performance of work, and only after the utility company, or electrical system operator, has been notified of the need to work closer and the utility company, or electrical system operator, has deenergized the lines, relocated the lines, or installed protective coverings to prevent accidental contact with the lines.

(g) Scaffolds must be erected, moved, dismantled, or altered only under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration. Such activities must be performed only by experienced and trained employees selected for such work by the competent person.

(h) Employees must be prohibited from working on scaffolds covered with snow, ice, or other slippery material except as necessary for removal of such materials.

(i) Where swinging loads are being hoisted onto or near scaffolds such that the loads might contact the scaffold, tag lines or equivalent measures to control the loads must be used.

(j) Suspension ropes supporting adjustable suspension scaffolds must be of a diameter large enough to provide sufficient surface area for the functioning of brake and hoist mechanisms.

(k) Suspension ropes must be shielded from heat-producing processes. When acids or other corrosive substances are used on a scaffold, the ropes must be shielded, treated to protect against the corrosive substances, or must be of a material that will not be damaged by the substance being used.

(l) Work on or from scaffolds is prohibited during storms or high winds unless a competent person has determined that it is safe for employees to be on the scaffold and those

employees are protected by a personal fall arrest system or wind screens. Wind screens must not be used unless the scaffold is secured against the anticipated wind forces imposed.

(m) Debris must not be allowed to accumulate on platforms.

(n) Makeshift devices, such as, but not limited to, boxes and barrels, must not be used on top of scaffold platforms to increase the working level height of employees.

(o) Ladders must not be used on scaffolds to increase the working level height of employees, except on large area scaffolds where employers have satisfied the following criteria:

(i) When the ladder is placed against a structure which is not a part of the scaffold, the scaffold must be secured against the sideways thrust exerted by the ladder;

(ii) The platform units must be secured to the scaffold to prevent their movement;

(iii) The ladder legs must be on the same platform or other means must be provided to stabilize the ladder against unequal platform deflection; and

(iv) The ladder legs must be secured to prevent them from slipping or being pushed off the platform.

(p) Platforms must not deflect more than 1/60 of the span when loaded.

(q) To reduce the possibility of welding current arcing through the suspension wire rope when performing welding from suspended scaffolds, the following precautions must be taken, as applicable:

(i) An insulated thimble must be used to attach each suspension wire rope to its hanging support (such as cornice hook or outrigger). Excess suspension wire rope and any additional independent lines from grounding must be insulated;

(ii) The suspension wire rope must be covered with insulating material extending at least 4 feet (1.2 m) above the hoist. If there is a tail line below the hoist, it must be insulated to prevent contact with the platform. The portion of the tail line that hangs free below the scaffold must be guided or retained, or both, so that it does not become grounded;

(iii) Each hoist must be covered with insulated protective covers;

(iv) In addition to a work lead attachment required by the welding process, a grounding conductor must be connected from the scaffold to the structure. The size of this conductor must be at least the size of the welding process work lead, and this conductor must not be in series with the welding process or the work piece;

(v) If the scaffold grounding lead is disconnected at any time, the welding machine must be shut off; and

(vi) An active welding rod or uninsulated welding lead must not be allowed to contact the scaffold or its suspension system.

(7) "Fall protection."

(a) Each employee on a scaffold more than 10 feet (3.1 m) above a lower level must be protected from falling to that lower level. Subsection (7)(a)(i) through (vii) of this section establish the types of fall protection to be provided to the employees on each type of scaffold. Subsection (7)(b) of this section addresses fall protection for scaffold erectors and dismantlers.

PERMANENT

Note to (a) of this subsection: The fall protection requirements for employees installing suspension scaffold support systems on floors, roofs, and other elevated surfaces are set forth in Parts J-2 and J-3 of this chapter.

(i) Each employee on a boatswains' chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold must be protected by a personal fall arrest system;

(ii) Each employee on a single-point or two-point adjustable suspension scaffold must be protected by both a personal fall arrest system and guardrail system;

(iii) Each employee on a crawling board (chicken ladder) must be protected by a personal fall arrest system, a guardrail system (with minimum 200 pound toprail capacity), or by a 3/4 inch (1.9 cm) diameter grabline or equivalent handhold securely fastened beside each crawling board;

(iv) Each employee on a self-contained adjustable scaffold must be protected by a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by the frame structure, and by both a personal fall arrest system and a guardrail system (with minimum 200 pound toprail capacity) when the platform is supported by ropes;

(v) Each employee on a walkway located within a scaffold must be protected by a guardrail system (with minimum 200 pound toprail capacity) installed within 9 1/2 inches (24.1 cm) of and along at least one side of the walkway;

(vi) Each employee performing overhand bricklaying operations from a supported scaffold must be protected from falling from all open sides and ends of the scaffold (except at the side next to the wall being laid) by the use of a personal fall arrest system or guardrail system (with minimum 200 pound toprail capacity);

(vii) For all scaffolds not otherwise specified in (a)(i) through (vi) of this subsection, each employee must be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of (d) of this subsection.

(b) The employer must have a competent person determine the feasibility and safety of providing fall protection for employees erecting or dismantling supported scaffolds. Employers are required to provide fall protection for employees erecting or dismantling supported scaffolds where the installation and use of such protection is feasible and does not create a greater hazard. The maximum feasible fall protection must be used.

(c) In addition to meeting the requirements of WAC 296-24-88050, Appendix C, Part I, personal fall arrest systems used on scaffolds must be attached by lanyard to a vertical lifeline, horizontal lifeline, or appropriate structural member. Vertical lifelines must not be used when overhead components, such as overhead protection or additional platform levels, are part of a single-point or two-point adjustable suspension scaffold.

(i) When vertical lifelines are used, they must be fastened to a fixed safe point of anchorage, must be independent of the scaffold, and must be protected from sharp edges and abrasion. Safe points of anchorage include structural members of buildings, but do not include standpipes, vents, other piping systems, electrical conduit, outrigger beams, or counterweights.

(ii) When horizontal lifelines are used, they must be secured to two or more structural members of the scaffold, or

they may be looped around both suspension and independent suspension lines (on scaffolds so equipped) above the hoist and brake attached to the end of the scaffold. Horizontal lifelines must not be attached only to the suspension ropes.

(iii) On suspended scaffolds or similar work platforms with horizontal lifelines which may become vertical lifelines, the devices used to connect to a horizontal lifeline must be capable of locking in both directions on the lifeline.

(iv) When lanyards are connected to horizontal lifelines or structural members on a single-point or two-point adjustable suspension scaffold, the scaffold must be equipped with additional independent support lines and automatic locking devices capable of stopping the fall of the scaffold in the event one or both of the suspension ropes fail. The independent support lines must be equal in number and strength to the suspension ropes.

(v) Vertical lifelines, independent support lines, and suspension ropes must not be attached to each other, nor must they be attached to or use the same point of anchorage, nor must they be attached to the same point on the scaffold or personal fall arrest system.

(d) Guardrail systems installed to meet the requirements of this section must comply with the following provisions (guardrail systems built in accordance with Appendix A to this part will be deemed to meet the requirements of (d)(vii), (viii) and (ix) of this subsection):

(i) Guardrail systems must be installed along all open sides and ends of platforms. Guardrail systems must be installed before the scaffold is released for use by employees other than erection/dismantling crews.

(ii) The top edge height of toprails or equivalent member on supported scaffolds manufactured or first placed in service after January 1, 2000, must be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface. The top edge height on supported scaffolds manufactured and placed in service before January 1, 2000, and on all suspended scaffolds where both a guardrail and a personal fall arrest system are required must be between 36 inches (0.9 m) and 45 inches (1.2 m). When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of (d) of this subsection.

(iii) When midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent structural members are used, they must be installed between the top edge of the guardrail system and the scaffold platform.

(iv) When midrails are used, they must be installed at a height approximately midway between the top edge of the guardrail system and the platform surface.

(v) When screens and mesh are used, they must extend from the top edge of the guardrail system to the scaffold platform, and along the entire opening between the supports.

(vi) When intermediate members (such as balusters or additional rails) are used, they must not be more than 19 inches (48 cm) apart.

(vii) Each toprail or equivalent member of a guardrail system must be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 100 pounds (445 n) for guardrail systems installed on single-point adjustable suspen-

sion scaffolds or two-point adjustable suspension scaffolds, and at least 200 pounds (890 n) for guardrail systems installed on all other scaffolds.

(vii) When the loads specified in (d)(vii) of this subsection are applied in a downward direction, the top edge must not drop below the height above the platform surface that is prescribed in (d)(ii) of this subsection.

(ix) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members of a guardrail system must be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along the midrail or other member of at least 75 pounds (333 n) for guardrail systems with a minimum 100 pound toprail capacity, and at least 150 pounds (666 n) for guardrail systems with a minimum 200 pound toprail capacity.

(x) Suspension scaffold hoists and nonwalk-through stirrups may be used as end guardrails, if the space between the hoist or stirrup and the side guardrail or structure does not allow passage of an employee to the end of the scaffold.

(xi) Guardrails must be surfaced to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(xii) The ends of all rails must not overhang the terminal posts except when such overhang does not constitute a projection hazard to employees.

(xiii) Steel or plastic banding must not be used as a toprail or midrail.

(xiv) Manila or plastic (or other synthetic) rope being used for toprails or midrails must be inspected by a competent person as frequently as necessary to ensure that it continues to meet the strength requirements of subsection (7) of this section.

(xv) Crossbraces may be used in lieu of either the toprail or midrail providing the resulting guardrail system meets all the other criteria of (d) of this subsection and this does not result in openings in the guardrail system or between the guardrail system and the platform through which a nineteen-inch diameter sphere can pass.

(8) "Falling object protection."

(a) In addition to wearing hardhats each employee on a scaffold must be provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, or guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. When the falling objects are too large, heavy or massive to be contained or deflected by any of the above-listed measures, the employer must place such potential falling objects away from the edge of the surface from which they could fall and must secure those materials as necessary to prevent their falling.

(b) Where there is a danger of tools, materials, or equipment falling from a scaffold and striking employees below, the following provisions apply:

(i) The area below the scaffold to which objects can fall must be barricaded, and employees must not be permitted to enter the hazard area; or

(ii) A toeboard must be erected along the edge of platforms above lower levels for a distance sufficient to protect

employees below, except on float (ship) scaffolds where an edging of 3/4 x 1 1/2 inch (2 x 4 cm) wood or equivalent may be used in lieu of toeboards; or

(iii) Where tools, materials, or equipment are piled to a height higher than the top edge of the toeboard, paneling or screening extending from the toeboard or platform to the top of the guardrail must be erected for a distance sufficient to protect employees below; or

(iv) A guardrail system must be installed with openings small enough to prevent passage of potential falling objects; or

(v) A canopy structure, debris net, or catch platform strong enough to withstand the impact forces of the potential falling objects must be erected over the employees below.

(c) Canopies, when used for falling object protection, must comply with the following criteria:

(i) Canopies must be installed between the falling object hazard and the employees.

(ii) When canopies are used on suspension scaffolds for falling object protection, the scaffold must be equipped with additional independent support lines equal in number to the number of points supported, and equivalent in strength to the strength of the suspension ropes.

(iii) Independent support lines and suspension ropes must not be attached to the same points of anchorage.

(d) Where used, toeboards must be:

(i) Capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard (toeboards built in accordance with Appendix A to this part will be deemed to meet this requirement); and

(ii) At least 3 1/2 inches (9 cm) high from the top edge of the toeboard to the level of the walking/working surface. Toeboards must be securely fastened in place at the outermost edge of the platform and have not more than 1/4 inch (0.7 cm) clearance above the walking/working surface. Toeboards must be solid or with openings not over 1 inch (2.5 cm) in the greatest dimension.

#### NEW SECTION

**WAC 296-24-86015 Additional requirements applicable to specific types of scaffolds.** In addition to the applicable requirements of WAC 296-24-86010, the following requirements apply to the specific types of scaffolds indicated. Scaffolds not specifically addressed by WAC 296-24-86015, such as, but not limited to, systems scaffolds, must meet the requirements of WAC 296-24-86010.

(1) "Pole scaffolds."

(a) When platforms are being moved to the next level, the existing platform must be left undisturbed until the new bearers have been set in place and braced, prior to receiving the new platforms.

(b) Crossbracing must be installed between the inner and outer sets of poles on double-pole scaffolds.

(c) Diagonal bracing in both directions must be installed across the entire inside face of double-pole scaffolds used to support loads equivalent to a uniformly distributed load of 50 pounds (222 kg) or more per square foot (929 square cm).

(d) Diagonal bracing in both directions must be installed across the entire outside face of all double- and single-pole scaffolds.

(e) Runners and bearers must be installed on edge.

(f) Bearers must extend a minimum of 3 inches (7.6 cm) over the outside edges of runners.

(g) Runners must extend over a minimum of two poles, and must be supported by bearing blocks securely attached to the poles.

(h) Braces, bearers, and runners must not be spliced between poles.

(i) Where wooden poles are spliced, the ends must be squared and the upper section must rest squarely on the lower section. Wood splice plates must be provided on at least two adjacent sides, and must extend at least 2 feet (0.6 m) on either side of the splice, overlap the abutted ends equally, and have at least the same cross-sectional areas as the pole. Splice plates of other materials of equivalent strength may be used.

(j) Pole scaffolds over 60 feet in height must be designed by a registered professional engineer, and must be constructed and loaded in accordance with that design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with design and loading requirements for pole scaffolds under 60 feet in height.

(2) "Tube and coupler scaffolds."

(a) When platforms are being moved to the next level, the existing platform must be left undisturbed until the new bearers have been set in place and braced prior to receiving the new platforms.

(b) Transverse bracing forming an "X" across the width of the scaffold must be installed at the scaffold ends and at least at every third set of posts horizontally (measured from only one end) and every fourth runner vertically. Bracing must extend diagonally from the inner or outer posts or runners upward to the next outer or inner posts or runners. Building ties must be installed at the bearer levels between the transverse bracing and must conform to the requirements of WAC 296-24-86010 (3)(a).

(c) On straight run scaffolds, longitudinal bracing across the inner and outer rows of posts must be installed diagonally in both directions, and must extend from the base of the end posts upward to the top of the scaffold at approximately a 45 degree angle. On scaffolds whose length is greater than their height, such bracing must be repeated beginning at least at every fifth post. On scaffolds whose length is less than their height, such bracing must be installed from the base of the end posts upward to the opposite end posts, and then in alternating directions until reaching the top of the scaffold. Bracing must be installed as close as possible to the intersection of the bearer and post or runner and post.

(d) Where conditions preclude the attachment of bracing to posts, bracing must be attached to the runners as close to the post as possible.

(e) Bearers must be installed transversely between posts, and when coupled to the posts, must have the inboard coupler bear directly on the runner coupler. When the bearers are coupled to the runners, the couplers must be as close to the posts as possible.

(f) Bearers must extend beyond the posts and runners, and must provide full contact with the coupler.

(g) Runners must be installed along the length of the scaffold, located on both the inside and outside posts at level heights (when tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners).

(h) Runners must be interlocked on straight runs to form continuous lengths, and must be coupled to each post. The bottom runners and bearers must be located as close to the base as possible.

(i) Couplers must be of a structural metal, such as drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(j) Tube and coupler scaffolds over 125 feet in height must be designed by a registered professional engineer, and must be constructed and loaded in accordance with such design. Nonmandatory Appendix A to this part contains examples of criteria that will enable an employer to comply with design and loading requirements for tube and coupler scaffolds under 125 feet in height.

(3) "Fabricated frame scaffolds" (tubular welded frame scaffolds).

(a) When moving platforms to the next level, the existing platform must be left undisturbed until the new end frames have been set in place and braced prior to receiving the new platforms.

(b) Frames and panels must be braced by cross, horizontal, or diagonal braces, or combination thereof, which secure vertical members together laterally. The cross braces must be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, level, and square. All brace connections must be secured.

(c) Frames and panels must be joined together vertically by coupling or stacking pins or equivalent means.

(d) Where uplift can occur which would displace scaffold end frames or panels, the frames or panels must be locked together vertically by pins or equivalent means.

(e) Brackets used to support cantilevered loads must:

(i) Be seated with side-brackets parallel to the frames and end-brackets at 90 degrees to the frames;

(ii) Not be bent or twisted from these positions; and

(iii) Be used only to support personnel, unless the scaffold has been designed for other loads by a qualified engineer and built to withstand the tipping forces caused by those other loads being placed on the bracket-supported section of the scaffold.

(f) Scaffolds over 125 feet (38.0 m) in height above their base plates must be designed by a registered professional engineer, and must be constructed and loaded in accordance with such design.

(4) "Plasterers', decorators', and large area scaffolds." Scaffolds must be constructed in accordance with subsection (1), (2), or (3) of this section, as appropriate.

(5) "Bricklayers' square scaffolds (squares)."

(a) Scaffolds made of wood must be reinforced with gussets on both sides of each corner.

(b) Diagonal braces must be installed on all sides of each square.

(c) Diagonal braces must be installed between squares on the rear and front sides of the scaffold, and must extend from the bottom of each square to the top of the next square.

(d) Scaffolds must not exceed three tiers in height, and must be so constructed and arranged that one square rests directly above the other. The upper tiers must stand on a continuous row of planks laid across the next lower tier, and must be nailed down or otherwise secured to prevent displacement.

(6) "Horse scaffolds."

(a) Scaffolds must not be constructed or arranged more than two tiers or 10 feet (3.0 m) in height, whichever is less.

(b) When horses are arranged in tiers, each horse must be placed directly over the horse in the tier below.

(c) When horses are arranged in tiers, the legs of each horse must be nailed down or otherwise secured to prevent displacement.

(d) When horses are arranged in tiers, each tier must be crossbraced.

(7) "Form scaffolds and carpenters' bracket scaffolds."

(a) Each bracket, except those for wooden bracket-form scaffolds, must be attached to the supporting formwork or structure by means of one or more of the following: Nails; a metal stud attachment device; welding; hooking over a secured structural supporting member, with the form wales either bolted to the form or secured by snap ties or tie bolts extending through the form and securely anchored; or, for carpenters' bracket scaffolds only, by a bolt extending through to the opposite side of the structure's wall.

(b) Wooden bracket-form scaffolds must be an integral part of the form panel.

(c) Folding type metal brackets, when extended for use, must be either bolted or secured with a locking-type pin.

(8) "Roof bracket scaffolds."

(a) Scaffold brackets must be constructed to fit the pitch of the roof and must provide a level support for the platform.

(b) Brackets (including those provided with pointed metal projections) must be anchored in place by nails unless it is impractical to use nails. When nails are not used, brackets must be secured in place with first-grade manila rope of at least 3/4 inch (1.9 cm) diameter, or equivalent.

(9) "Outrigger scaffolds."

(a) The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of anchorage, must be not less than one and one-half times the outboard end in length.

(b) Outrigger beams fabricated in the shape of an I-beam or channel must be placed so that the web section is vertical.

(c) The fulcrum point of outrigger beams must rest on secure bearings at least 6 inches (15.2 cm) in each horizontal dimension.

(d) Outrigger beams must be secured in place against movement, and must be securely braced at the fulcrum point against tipping.

(e) The inboard ends of outrigger beams must be securely anchored either by means of braced struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both.

(f) The entire supporting structure must be securely braced to prevent any horizontal movement.

(g) To prevent their displacement, platform units must be nailed, bolted, or otherwise secured to outriggers.

(h) Scaffolds and scaffold components must be designed by a registered professional engineer and must be constructed and loaded in accordance with such design.

(10) "Pump jack scaffolds."

(a) Pump jack brackets, braces, and accessories must be fabricated from metal plates and angles. Each pump jack bracket must have two positive gripping mechanisms to prevent any failure or slippage.

(b) Poles must be secured to the structure by rigid triangular bracing or equivalent at the bottom, top, and other points as necessary. When the pump jack has to pass bracing already installed, an additional brace must be installed approximately 4 feet (1.2 m) above the brace to be passed, and must be left in place until the pump jack has been moved and the original brace reinstalled.

(c) When guardrails are used for fall protection, a workbench may be used as the toprail only if it meets all the requirements in WAC 296-24-86010 (7)(d)(ii), (vii), (viii) and (xiii).

(d) Work benches must not be used as scaffold platforms.

(e) When poles are made of wood, the pole lumber must be straight-grained, free of shakes, large loose or dead knots, and other defects which might impair strength.

(f) When wood poles are constructed of two continuous lengths, they must be joined together with the seam parallel to the bracket.

(g) When two by fours are spliced to make a pole, mending plates must be installed at all splices to develop the full strength of the member.

(11) "Ladder jack scaffolds."

(a) Platforms must not exceed a height of 20 feet (6.1 m).

(b) All ladders used to support ladder jack scaffolds must meet the requirements of Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders, except that job-made ladders must not be used to support ladder jack scaffolds.

(c) The ladder jack must be so designed and constructed that it will bear on the side rails and ladder rungs or on the ladder rungs alone. If bearing on rungs only, the bearing area must include a length of at least 10 inches (25.4 cm) on each rung.

(d) Ladders used to support ladder jacks must be placed, fastened, or equipped with devices to prevent slipping.

(e) Scaffold platforms must not be bridged one to another.

(12) "Window jack scaffolds."

(a) Scaffolds must be securely attached to the window opening.

(b) Scaffolds must be used only for the purpose of working at the window opening through which the jack is placed.

(c) Window jacks must not be used to support planks placed between one window jack and another, or for other elements of scaffolding.

(13) "Crawling boards (chicken ladders)."

(a) Crawling boards must extend from the roof peak to the eaves when used in connection with roof construction, repair, or maintenance.

(b) Crawling boards must be secured to the roof by ridge hooks or by means that meet equivalent criteria (e.g., strength and durability).

(14) "Step, platform, and trestle ladder scaffolds."

(a) Scaffold platforms must not be placed any higher than the second highest rung or step of the ladder supporting the platform.

(b) All ladders used in conjunction with step, platform and trestle ladder scaffolds must meet the pertinent requirements of Part J-1 of this chapter - Working surfaces, guarding floors and wall openings, ladders, except that job-made ladders must not be used to support such scaffolds.

(c) Ladders used to support step, platform, and trestle ladder scaffolds must be placed, fastened, or equipped with devices to prevent slipping.

(d) Scaffolds must not be bridged one to another.

(15) "Single-point adjustable suspension scaffolds."

(a) When two single-point adjustable suspension scaffolds are combined to form a two-point adjustable suspension scaffold, the resulting two-point scaffold must comply with the requirements for two-point adjustable suspension scaffolds in subsection (16) of this section.

(b) The supporting rope between the scaffold and the suspension device must be kept vertical unless all of the following conditions are met:

(i) The rigging has been designed by a qualified person; and

(ii) The scaffold is accessible to rescuers; and

(iii) The supporting rope is protected to ensure that it will not chafe at any point where a change in direction occurs; and

(iv) The scaffold is positioned so that swinging cannot bring the scaffold into contact with another surface.

(c) Boatswains' chair tackle must consist of correct size ball bearings or bushed blocks containing safety hooks and properly "eye-spliced" minimum five-eighth (5/8) inch (1.6 cm) diameter first-grade manila rope, or other rope which will satisfy the criteria (e.g., strength and durability) of manila rope.

(d) Boatswains' chair seat slings must be reeved through four corner holes in the seat; must cross each other on the underside of the seat; and must be rigged so as to prevent slippage which could cause an out-of-level condition.

(e) Boatswains' chair seat slings must be a minimum of five-eighths (5/8) inch (1.6 cm) diameter fiber, synthetic, or other rope which will satisfy the criteria (e.g., strength, slip resistance, durability, etc.) of first grade manila rope.

(f) When a heat-producing process such as gas or arc welding is being conducted, boatswains' chair seat slings must be a minimum of three-eighths (3/8) inch (1.0 cm) wire rope.

(g) Noncross-laminated wood boatswains' chairs must be reinforced on their underside by cleats securely fastened to prevent the board from splitting.

(16) "Two-point adjustable suspension scaffolds (swing stages)." The following requirements do not apply to two-point adjustable suspension scaffolds used as masons' or stonemasons' scaffolds. Such scaffolds are covered by subsection (17) of this section.

(a) Platforms must not be more than 36 inches (0.9 m) wide unless designed by a qualified person to prevent unstable conditions.

(b) The platform must be securely fastened to hangers (stirrups) by U-bolts or by other means which satisfy the requirements of WAC 296-24-86010(1).

(c) The blocks for fiber or synthetic ropes must consist of at least one double and one single block. The sheaves of all blocks must fit the size of the rope used.

(d) Platforms must be of the ladder-type, plank-type, beam-type, or light-metal type. Light-metal type platforms having a rated capacity of 750 pounds or less and platforms 40 feet (12.2 m) or less in length must be tested and listed by a nationally recognized testing laboratory.

(e) Two-point scaffolds must not be bridged or otherwise connected one to another during raising and lowering operations unless the bridge connections are articulated (attached), and the hoists properly sized.

(f) Passage may be made from one platform to another only when the platforms are at the same height, are abutting, and walk-through stirrups specifically designed for this purpose are used.

(17) "Multi-point adjustable suspension scaffolds, stone-setters' multi-point adjustable suspension scaffolds, and masons' multi-point adjustable suspension scaffolds."

(a) When two or more scaffolds are used they must not be bridged one to another unless they are designed to be bridged, the bridge connections are articulated, and the hoists are properly sized.

(b) If bridges are not used, passage may be made from one platform to another only when the platforms are at the same height and are abutting.

(c) Scaffolds must be suspended from metal outriggers, brackets, wire rope slings, hooks, or means that meet equivalent criteria (e.g., strength, durability).

(18) "Catenary scaffolds."

(a) No more than one platform must be placed between consecutive vertical pickups, and no more than two platforms must be used on a catenary scaffold.

(b) Platforms supported by wire ropes must have hook-shaped stops on each end of the platforms to prevent them from slipping off the wire ropes. These hooks must be so placed that they will prevent the platform from falling if one of the horizontal wire ropes breaks.

(c) Wire ropes must not be tightened to the extent that the application of a scaffold load will overstress them.

(d) Wire ropes must be continuous and without splices between anchors.

(19) "Float (ship) scaffolds."

(a) The platform must be supported by a minimum of two bearers, each of which must project a minimum of 6 inches (15.2 cm) beyond the platform on both sides. Each bearer must be securely fastened to the platform.

(b) Rope connections must be such that the platform cannot shift or slip.

(c) When only two ropes are used with each float:

(i) They must be arranged so as to provide four ends which are securely fastened to overhead supports.

(ii) Each supporting rope must be hitched around one end of the bearer and pass under the platform to the other end

of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(20) "Interior hung scaffolds."

(a) Scaffolds must be suspended only from the roof structure or other structural member such as ceiling beams.

(b) Overhead supporting members (roof structure, ceiling beams, or other structural members) must be inspected and checked for strength before the scaffold is erected.

(c) Suspension ropes and cables must be connected to the overhead supporting members by shackles, clips, thimbles, or other means that meet equivalent criteria (e.g., strength, durability).

(21) "Needle beam scaffolds."

(a) Scaffold support beams must be installed on edge.

(b) Ropes or hangers must be used for supports, except that one end of a needle beam scaffold may be supported by a permanent structural member.

(c) The ropes must be securely attached to the needle beams.

(d) The support connection must be arranged so as to prevent the needle beam from rolling or becoming displaced.

(e) Platform units must be securely attached to the needle beams by bolts or equivalent means. Cleats and overhang are not considered to be adequate means of attachment.

(22) "Multi-level suspended scaffolds."

(a) Scaffolds must be equipped with additional independent support lines, equal in number to the number of points supported, and of equivalent strength to the suspension ropes, and rigged to support the scaffold in the event the suspension rope(s) fail.

(b) Independent support lines and suspension ropes must not be attached to the same points of anchorage.

(c) Supports for platforms must be attached directly to the support stirrup and not to any other platform.

(23) "Mobile scaffolds."

(a) Scaffolds must be braced by cross, horizontal, or diagonal braces, or combination thereof, to prevent racking or collapse of the scaffold and to secure vertical members together laterally so as to automatically square and align the vertical members. Scaffolds must be plumb, level, and squared. All brace connections must be secured.

(i) Scaffolds constructed of tube and coupler components must also comply with the requirements of subsection (2) of this section;

(ii) Scaffolds constructed of fabricated frame components must also comply with the requirements of subsection (3) of this section.

(b) Scaffold casters and wheels must be locked with positive wheel and/or wheel and swivel locks, or equivalent means, to prevent movement of the scaffold while the scaffold is used in a stationary manner.

(c) Manual force used to move the scaffold must be applied as close to the base as practicable, but not more than 5 feet (1.5 m) above the supporting surface.

(d) Power systems used to propel mobile scaffolds must be designed for such use. Forklifts, trucks, similar motor vehicles or add-on motors must not be used to propel scaffolds unless the scaffold is designed for such propulsion systems.

(e) Scaffolds must be stabilized to prevent tipping during movement.

(f) Employees must not be allowed to ride on scaffolds unless the following conditions exist:

(i) The surface on which the scaffold is being moved is within 3 degrees of level, and free of pits, holes, and obstructions;

(ii) The height to base width ratio of the scaffold during movement is two to one or less, unless the scaffold is designed and constructed to meet or exceed nationally recognized stability test requirements such as those listed in (ANSI/SIA A92.5 and A92.6);

(iii) Outrigger frames, when used, are installed on both sides of the scaffold;

(iv) When power systems are used, the propelling force is applied directly to the wheels, and does not produce a speed in excess of 1 foot per second (.3 mps); and

(v) No employee is on any part of the scaffold which extends outward beyond the wheels, casters, or other supports.

(g) Platforms must not extend outward beyond the base supports of the scaffold unless outrigger frames or equivalent devices are used to ensure stability.

(h) Where leveling of the scaffold is necessary, screw jacks or equivalent means must be used.

(i) Caster stems and wheel stems must be pinned or otherwise secured in scaffold legs or adjustment screws.

(j) Where uplift may occur, panels must be locked together vertically by pins or other equivalent means.

(k) Before a scaffold is moved, each employee on the scaffold must be made aware of the move.

(24) "Repair bracket scaffolds."

(a) Brackets must be secured in place by at least one wire rope at least 1/2 inch (1.27 cm) in diameter.

(b) Each bracket must be attached to the securing wire rope (or ropes) by a positive locking device capable of preventing the unintentional detachment of the bracket from the rope, or by equivalent means.

(c) Each bracket, at the contact point between the supporting structure and the bottom of the bracket, must be provided with a shoe (heel block or foot) capable of preventing the lateral movement of the bracket.

(d) Platforms must be secured to the brackets in a manner that will prevent the separation of the platforms from the brackets and the movement of the platforms or the brackets on a completed scaffold.

(e) When a wire rope is placed around the structure in order to provide a safe anchorage for personal fall arrest systems used by employees erecting or dismantling scaffolds, the wire rope must meet the requirements of WAC 296-24-88050, Appendix C, but must be at least 5/16 inch (0.8 cm) in diameter.

(f) Each wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems must be protected from damage due to contact with edges, corners, protrusions, or other discontinuities of the supporting structure or scaffold components.

(g) Tensioning of each wire rope used for securing brackets in place or as an anchorage for personal fall arrest

systems must be by means of a turnbuckle at least 1 inch (2.54 cm) in diameter, or by equivalent means.

(h) Each turnbuckle must be connected to the other end of its rope by use of an eyesplice thimble of a size appropriate to the turnbuckle to which it is attached.

(i) U-bolt wire rope clips must not be used on any wire rope used to secure brackets or to serve as an anchor for personal fall arrest systems.

(j) The employer must ensure that materials must not be dropped to the outside of the supporting structure.

(k) Scaffold erection must progress in only one direction around any structure.

(25) "Stilts." Stilts, when used, must be used in accordance with the following requirements:

(a) An employee may wear stilts on a scaffold only if it is a large area scaffold.

(b) When an employee is using stilts on a large area scaffold where a guardrail system is used to provide fall protection, the guardrail system must be increased in height by an amount equal to the height of the stilts being used by the employee.

(c) Surfaces on which stilts are used must be flat and free of pits, holes and obstructions, such as debris, as well as other tripping and falling hazards.

(d) Stilts must be properly maintained. Any alteration of the original equipment must be approved by the manufacturer.

#### NEW SECTION

**WAC 296-24-86020 Training.** This section supplements and clarifies the requirements of WAC 296-24-020 (1)(c) and 296-24-040 (1)(a)(vii) as these relate to the hazards of work on scaffolds.

(1) The employer must have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. The training must include the following areas, as applicable:

(a) The nature of any electrical hazards, fall hazards and falling object hazards in the work area;

(b) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used;

(c) The proper use of the scaffold, and the proper handling of materials on the scaffold;

(d) The maximum intended load and the load-carrying capacities of the scaffolds used; and

(e) Any other pertinent requirements of this subpart.

(2) The employer must have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question. The training must include the following topics, as applicable:

(a) The nature of scaffold hazards;

(b) The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold in question;

(c) The design criteria, maximum intended load-carrying capacity and intended use of the scaffold;

(d) Any other pertinent requirements of this part.

(3) When the employer has reason to believe that an employee lacks the skill or understanding needed for safe work involving the erection, use or dismantling of scaffolds, the employer must retrain each such employee so that the requisite proficiency is regained. Retraining is required in at least the following situations:

(a) Where changes at the worksite present a hazard about which an employee has not been previously trained; or

(b) Where changes in the types of scaffolds, fall protection, falling object protection, or other equipment present a hazard about which an employee has not been previously trained; or

(c) Where inadequacies in an affected employee's work involving scaffolds indicate that the employee has not retained the requisite proficiency.

#### NEW SECTION

**WAC 296-24-861 Manually propelled mobile ladder stands and scaffolds (towers).**

#### NEW SECTION

**WAC 296-24-86105 General requirements.** (1) Application. This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) Working loads.

(a) Work platforms and scaffolds must be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.

(b) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design must be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected must be of sufficient strength to meet the test requirements and must be protected against corrosion or deterioration.

(i) The design working load of ladder stands must be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(ii) The design load of all scaffolds must be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds must be capable of supporting at least four times the design working load.

(c) Materials used in mobile ladder stands and scaffolds must be of standard manufacture and conform to specifications of this section for strength, dimensions, and weights, and must be selected to safely support the design working load.

(d) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers must be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails must be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(e) All exposed surfaces must be free from sharp edges, burrs or other safety hazards.

(3) Work levels.

(a) The maximum work level height must not exceed four times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames must be employed to achieve this least base dimension, or provisions must be made to guy or brace the unit against tipping.

(b) The minimum platform width for any work level must not be less than 20 inches for mobile scaffolds (towers). Ladder stands must have a minimum step width of 16 inches.

(c) The supporting structure for the work level must be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(d) The steps of ladder stands must be fabricated from slip resistant treads.

(e) The work level platform of scaffolds (towers) must be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms must be secured in place. All planking must be 2-inch (nominal) scaffold grade minimum 1,500 f. (stress grade) construction grade lumber or equivalent.

(f) All scaffold work levels 10 feet or higher above the ground or floor must have a standard (4-inch nominal) toe-board.

(g) All work levels 10 feet or higher above the ground or floor must have a guardrail of 2- by 4-inch nominal lumber or the equivalent installed no less than 38 inches or more than 45 inches high, with a mid-rail, when required, of at least 1- by 4-inch nominal lumber or equivalent.

(h) A climbing ladder, stairway, or equivalent must be provided for proper access and egress, and must be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 30 feet.

(4) Wheels or casters.

(a) Wheels or casters must be properly designed for strength and dimensions to support four times the design working load.

(b) All scaffold casters must be provided with a positive wheel and/or swivel lock to prevent movement. Ladder

stands must have at least two of the four casters and must be of the swivel type.

(c) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height must be provided in the base section of each mobile unit.

#### NEW SECTION

**WAC 296-24-86110 Mobile tubular welded frame scaffolds.** (1) General. Units must be designed to comply with the requirements of WAC 296-24-86105.

(2) Bracing. Scaffolds must be properly braced by cross braces and/or diagonal braces for securing vertical members together laterally. The cross braces must be of a length that will automatically square and align vertical members so the erected scaffold is always plumb, square, and rigid.

(3) Spacing. Spacing of panels or frames must be consistent with the loads imposed. The frames must be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(4) Locking. Where uplift may occur, panels must be locked together vertically by pins or other equivalent means.

(5) Erection. Only the manufacturer of a scaffold or the manufacturers qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer or erected in accordance with instructions furnished by the manufacturer.

#### NEW SECTION

**WAC 296-24-86115 Mobile tubular welded sectional folding scaffolds.** (1) General. Units including sectional stairway and sectional ladder scaffolds must be designed to comply with the requirements of WAC 296-24-86105.

(2) Stairway. An integral stairway and work platform must be incorporated into the structure of each sectional folding stairway scaffold.

(3) Bracing. An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform must be incorporated into the structure of each sectional folding ladder scaffold.

(4) Sectional folding stairway scaffolds. Sectional folding stairway scaffolds must be designed as medium duty scaffolds except for high clearance. These special base sections must be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold must be reduced accordingly. The width of a sectional folding stairway scaffold must not exceed 4 1/2 feet. The maximum length of a sectional folding stairway scaffold must not exceed 6 feet.

(5) Sectional folding ladder scaffolds. Sectional folding ladder scaffolds must be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot folding ladder scaffolds, except for special high clearance base sections, must be designed for use as medium

duty scaffolds. The width of a sectional folding ladder scaffold must not exceed 4 1/2 feet. The maximum length of a sectional folding ladder scaffold must not exceed 6 feet 6 inches for a six-foot long unit, 8 feet 6 inches for an eight-foot unit or 10 feet 6 inches for a ten-foot long unit.

(6) End frames. The end frames of sectional ladder and stairway scaffolds must be designed so that the horizontal bearers provide supports for multiple planking levels.

(7) Erection. Only the manufacturer of the scaffold or the manufacturers qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

#### NEW SECTION

**WAC 296-24-86120 Mobile tube and coupler scaffolds.** (1) Design. Units must be designed to comply with the applicable requirements of WAC 296-24-86105.

(2) Material. The material used for the couplers must be of a structural type, such as a drop-forged steel, malleable iron or structural grade aluminum. The use of gray cast iron is prohibited.

(3) Erection. Only the manufacturer of the scaffold or their qualified designated agent must be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer to comply with requirements in this section.

#### NEW SECTION

**WAC 296-24-86125 Mobile work platforms.** (1) Design. Units must be designed for the use intended and shall comply with the requirements of WAC 296-24-86105.

(2) Base width. The minimum width of the base of mobile work platforms must not be less than 20 inches.

(3) Bracing. Adequate rigid diagonal bracing to vertical members must be provided.

#### NEW SECTION

**WAC 296-24-86130 Mobile ladder stands.** (1) Design. Units must comply with applicable requirements of WAC 296-24-86105.

(2) Base width. The minimum base width must conform to WAC 296-24-86105 (3)(a). The maximum length of the base section must be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.

(3) Steps. Steps must be uniformly spaced, and sloped, with a rise of not less than nine inches, nor more than ten inches, and a depth of not less than seven inches. The slope of the steps section must be a minimum of fifty-five degrees and a maximum of sixty degrees measured from the horizontal.

(4) Handrails.

(a) Units having more than five steps or 60 inches vertical height to the top step must be equipped with handrails.

(b) Handrails must be a minimum of 29 inches high. Measurements must be taken vertically from the center of the step.

(5) Loading. The load (see WAC 296-24-86105 (2)(b)(ii)) must be applied uniformly to a 3 1/2 inches wide area front to back at the center of the width span with a safety factor of four.

#### NEW SECTION

**WAC 296-24-862 Nonmandatory appendices. Nonmandatory Appendix A to Part J-2, Scaffold Specifications.**

This Appendix provides nonmandatory guidelines to assist employers in complying with the requirements of Part J-2 of this chapter. An employer may use these guidelines and tables as a starting point for designing scaffold systems. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the completed system will meet the requirements of WAC 296-24-86010(1). Scaffold components which are not selected and loaded in accordance with this Appendix, and components for which no specific guidelines or tables are given in this Appendix (e.g., joints, ties, components for wood pole scaffolds more than 60 feet in height, components for heavy-duty horse scaffolds, components made with other materials, and components with other dimensions, etc.) must be designed and constructed in accordance with the capacity requirements of WAC 296-24-86010(1), and loaded in accordance with WAC 296-24-86010 (4)(a).

#### **Index to Appendix A for Part J-2**

1. General guidelines and tables.

2. Specific guidelines and tables.

(a) Pole scaffolds:

Single-pole wood pole scaffolds.

Independent wood pole scaffolds.

(b) Tube and coupler scaffolds.

(c) Fabricated frame scaffolds.

(d) Plasterers', decorators' and large area scaffolds.

(e) Bricklayers' square scaffolds.

(f) Horse scaffolds.

(g) Form scaffolds and carpenters' bracket scaffolds.

(h) Roof bracket scaffolds.

(i) Outrigger scaffolds (one level).

(j) Pump jack scaffolds.

(k) Ladder jack scaffolds.

(l) Window jack scaffolds.

(m) Crawling boards (chicken ladders).

(n) Step, platform and trestle ladder scaffolds.

(o) Single-point adjustable suspension scaffolds.

(p) Two-point adjustable suspension scaffolds.

(q)(1) Stonesettlers' multi-point adjustable suspension scaffolds.

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- (r) Catenary scaffolds.
- (s) Float (ship) scaffolds.
- (t) Interior hung scaffolds.
- (u) Needle beam scaffolds.
- (v) Multi-level suspension scaffolds.
- (w) Mobile scaffolds.
- (x) Repair bracket scaffolds.
- (y) Stilts.
- (z) Tank builders' scaffolds.

1. General guidelines and tables.

(a) The following tables, and the tables in Part 2 — Specific guidelines and tables, assume that all load-carrying timber members (except planks) of the scaffold are a minimum of 1,500 lb-f/in(2) (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Softwood Lumber Standards, dated January 1970, except that, where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(b) Solid sawn wood used as scaffold planks must be selected for such use following the grading rules established by a recognized lumber grading association or by an independent lumber grading inspection agency. Such planks must be identified by the grade stamp of such association or agency. The association or agency and the grading rules under which the wood is graded must be certified by the Board of Review, American Lumber Standard Committee, as set forth in the American Softwood Lumber Standard of the U.S. Department of Commerce.

(i) Allowable spans must be determined in compliance with the National Design Specification for Wood Construction published by the National Forest Products Association; paragraph 5 of ANSI A10.8-1988 Scaffolding-Safety Requirements published by the American National Standards Institute; or for 2 x 10 inch (nominal) or 2 x 9 inch (rough) solid sawn wood planks, as shown in the following table:

Maximum intended nominal load (lb/ft <sup>2</sup> )	Maximum permissible span using full thickness undressed lumber (ft)	Maximum permissible span using nominal thickness lumber (ft)
25	10	8
50	8	6
75	6	

(ii) The maximum permissible span for 1 1/4 x 9-inch or wider wood plank of full thickness with a maximum intended load of 50 lb/ft.(2) must be 4 feet.

(c) Fabricated planks and platforms may be used in lieu of solid sawn wood planks. Maximum spans for such units must be as recommended by the manufacturer based on the maximum intended load being calculated as follows:

Rated load capacity	Intended load
Light-duty	*25 pounds per square foot applied uniformly over the entire span area.
Medium-duty	*50 pounds per square foot applied uniformly over the entire span area.
Heavy-duty	*75 pounds per square foot applied uniformly over the entire span area.

Rated load capacity	Intended load
One-person	*250 pounds placed at the center of the span (total 250 pounds).
Two-person	*250 pounds placed 18 inches to the left and right of the center of the span (total 500 pounds).
Three-person	*250 pounds placed at the center of the span and 250 pounds placed 18 inches to the left and right of the center of the span (total 750 pounds).

*Note: Platform units used to make scaffold platforms intended for light-duty use must be capable of supporting at least 25 pounds per square foot applied uniformly over the entire unit-span area, or a 250-pound point load placed on the unit at the center of the span, whichever load produces the greater shear force.*

(d) Guardrails must be as follows:

(i) Toprails must be equivalent in strength to 2 inch by 4 inch lumber; or

1 1/4 inch x 1/8 inch structural angle iron; or

1 inch x .070 inch wall steel tubing; or 1.990 inch x .058 inch wall aluminum tubing.

(ii) Midrails must be equivalent in strength to 1 inch by 6 inch lumber; or

1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(iii) Toeboards must be equivalent in strength to 1 inch by 4 inch lumber; or

1 1/4 inch x 1 1/4 inch structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(iv) Posts must be equivalent in strength to 2 inch by 4 inch lumber; or

1 1/4 inch x 1 1/4 inch x 1/8 structural angle iron; or

1 inch x .070 inch wall steel tubing; or

1.990 inch x .058 inch wall aluminum tubing.

(v) Distance between posts must not exceed 8 feet.

(e) Overhead protection must consist of 2 inch nominal planking laid tight, or 3/4-inch plywood.

(f) Screen installed between toeboards and midrails or top rails must consist of No. 18 gauge U.S. Standard wire one inch mesh.

2. Specific guidelines and tables.

(a) Pole Scaffolds.

Single Pole Wood Pole Scaffolds				
	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load (lbs/ft <sup>2</sup> )	25	25	50	75
Poles or uprights	2 x 4 in.	4 x 4 in.	4 x 4 in.	4 x 6 in.
Maximum pole spacing (longitudinal)	6 feet	10 feet	8 feet	6 feet

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Single Pole Wood Pole Scaffolds				
Maximum pole spacing (transverse)	5 feet	5 feet	5 feet	5 feet
Runners	1 x 4 in.	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.
Bearers and maximum spacing of bearers: 3 feet	2 x 4 in.	2 x 4 in.	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
5 feet	2 x 6 in. or 3 x 4 in.	2 x 6 in. or 3 x 4 in. (rough)	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
6 feet	---	---	2 x 10 in. or 3 x 4 in.	2 x 10 in. or 3 x 5 in.
8 feet	---	---	2 x 10 in. or 3 x 4 in.	
Planking	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.	2 x 10 in.
Maximum vertical spacing of horizontal members	7 feet	9 feet	7 feet	6 ft. 6 in.
Bracing horizontal	1 x 4 in.	1 x 4 in.	1 x 6 in. or 1 1/4 x 4 in.	2 x 4 in.
Bracing diagonal	1 x 4 in.	1 x 4 in.	1 x 4 in.	2 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.	1 x 4 in.	1 x 4 in.

*Note: All members except planking are used on edge. All wood bearers must be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.*

Independent Wood Pole Scaffolds				
	Light duty up to 20 feet high	Light duty up to 60 feet high	Medium duty up to 60 feet high	Heavy duty up to 60 feet high
Maximum intended load	25 lbs/ft <sup>2</sup>	25 lbs/ft <sup>2</sup>	50 lbs/ft <sup>2</sup>	75 lbs/ft <sup>2</sup>
Poles or uprights	2 x 4 in.	4 x 4 in.	4 x 4 in.	4 x 4 in.
Maximum pole spacing (longitudinal)	6 feet	10 feet	8 feet	6 feet
Maximum (transverse)	6 feet	10 feet	8 feet	8 feet
Runners	1 1/4 x 4 in.	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.
Bearers and maximum spacing of bearers: 3 feet	2 x 4 in.	2 x 4 in.	2 x 10 in. (rough)	2 x 10 in.
6 feet	2 x 6 in. or 3 x 4 in.	2 x 10 in. (rough) or 3 x 8 in.	2 x 10 in.	2 x 10 in. (rough)
8 feet	2 x 6 in. or 3 x 4 in.	2 x 10 in. (rough) or 3 x 8 in.	2 x 10 in.	

Independent Wood Pole Scaffolds				
10 feet	3 x 4 in.	2 x 6 in. (rough) or 3 x 3 in.	2 x 10 in.	
Planking	1 1/4 x 9 in.	2 x 10 in.	2 x 10 in.	2 x 10 in.
Maximum vertical spacing of horizontal members	7 feet	7 feet	6 feet	6 feet
Bracing horizontal	1 x 4 in.	1 x 4 in.	1 x 6 in. or 1 1/4 x 4 in.	2 x 4 in.
Bracing diagonal	1 x 4 in.	1 x 4 in.	1 x 4 in.	2 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.	1 x 4 in.	1 x 4 in.

*Note: All members except planking are used on edge. All wood bearers must be reinforced with 3/16 x 2 inch steel strip, or the equivalent, secured to the lower edges for the entire length of the bearer.*

(b) Tube and coupler scaffolds.

Minimum Size of Members			
	Light duty	Medium duty	Heavy duty
Maximum intended load	25 lbs/ft <sup>2</sup>	50 lbs/ft <sup>2</sup>	75 lbs/ft <sup>2</sup>
Posts, runners and braces	Nominal 2 in. (1.90 inches) OD steel tube or pipe.	Nominal 2 in. (1.90 inches) OD steel tube or pipe.	Nominal 2 in. (1.90 inches) OD steel tube or pipe.
Bearers	Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 10 ft.	Nominal 2 in. (1.90 inches) OD steel tube or pipe and a maximum post spacing of 4 ft. x 7 ft. or Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 8 ft. (*).	Nominal 2 1/2 in. (2.375 in.) OD steel tube or pipe and a maximum post spacing of 6 ft. x 6 ft.
Maximum runner spacing vertically	6 ft. 6 in.	6 ft. 6 in.	6 ft. 6 in.

(\*) Bearers must be installed in the direction of the shorter dimension.

*Note: Longitudinal diagonal bracing must be installed at an angle of 45 deg. (+/- 5 deg.).*

Maximum Number of Planked Levels

Maximum number of additional planked levels

	Light duty	Medium duty	Heavy duty	Maximum height of scaffold (in feet)
Duty Number of Working Levels:				
1	16	11	6	125
2	11	1	0	125

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	Light duty	Medium duty	Heavy duty	Maximum height of scaffold (in feet)
Duty Number of Working Levels:				
3	6	0	0	125
4	1	0	0	125

(c) "Fabricated frame scaffolds." Because of their pre-fabricated nature, no additional guidelines or tables for these scaffolds are being adopted in this Appendix.

(d) "Plasterers', decorators', and large area scaffolds." The guidelines for pole scaffolds or tube and coupler scaffolds (Appendix A (a) and (b)) may be applied.

(e) "Bricklayers' square scaffolds."

Maximum intended load: 50 lb/ft.(2)(\*)

Footnote(\*): The squares must be set not more than 8 feet apart for light duty scaffolds and not more than 5 feet apart for medium duty scaffolds.

Maximum width: 5 ft.

Maximum height: 5 ft.

Gussets: 1 x 6 in.

Braces: 1 x 8 in.

Legs: 2 x 6 in.

Bearers (horizontal members): 2 x 6 in.

(f) Horse scaffolds.

Maximum intended load (light duty): 25 lb/ft.(2)(\*\*)

Footnote(\*\*): Horses must be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Maximum intended load (medium duty): 50 lb/ft.(2)(\*\*)

Footnote(\*\*): Horses must be spaced not more than 8 feet apart for light duty loads, and not more than 5 feet apart for medium duty loads.

Horizontal members or bearers:

Light duty: 2 x 4 in.

Medium duty: 3 x 4 in.

Legs: 2 x 4 in.

Longitudinal brace between legs: 1 x 6 in.

Gusset brace at top of legs: 1 x 8 in.

Half diagonal braces: 2 x 4 in.

(g) "Form scaffolds and carpenters' bracket scaffolds."

(1) Brackets must consist of a triangular-shaped frame made of wood with a cross-section not less than 2 inches by 3 inches, or of 1 1/4 inch x 1 1/4 inch x 1/8 inch structural angle iron.

(2) Bolts used to attach brackets to structures must not be less than 5/8 inches in diameter.

(3) Maximum bracket spacing must be 8 feet on centers.

(4) No more than two employees must occupy any given 8 feet of a bracket or form scaffold at any one time. Tools and materials must not exceed 75 pounds in addition to the occupancy.

(5) Wooden figure-four scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 in. or 2 x 6 in.

Bearers (two): 1 x 6 in.

Braces: 1 x 6 in.

Maximum length of bearers (unsupported): 3 ft. 6 in.

(i) Outrigger bearers must consist of two pieces of 1 x 6 inch lumber nailed on opposite sides of the vertical support.

(ii) Bearers for wood figure-four brackets must project not more than 3 feet 6 inches from the outside of the form support, and must be braced and secured to prevent tipping or turning. The knee or angle brace must intersect the bearer at least 3 feet from the form at an angle of approximately 45 degrees, and the lower end must be nailed to a vertical support.

(6) Metal bracket scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 inch

Bearers: As designed.

Braces: As designed.

(7) Wood bracket scaffolds:

Maximum intended load: 25 lb/ft.(2)

Uprights: 2 x 4 in. or 2 x 6 in.

Bearers: 2 x 6 in.

Maximum scaffold width: 3 ft. 6 in.

Braces: 1 x 6 in.

(h) "Roof bracket scaffolds." No specific guidelines or tables are given.

(i) "Outrigger scaffolds (single level)." No specific guidelines or tables are given.

(j) "Pump jack scaffolds." Wood poles must not exceed 30 feet in height. Maximum intended load — 500 lbs between poles; applied at the center of the span. Not more than two employees must be on a pump jack scaffold at one time between any two supports. When 2 x 4's are spliced together to make a 4 x 4 inch wood pole, they must be spliced with "10 penny" common nails no more than 12 inches center to center, staggered uniformly from the opposite outside edges.

(k) "Ladder jack scaffolds." Maximum intended load — 25 lb/ft.(2). However, not more than two employees must occupy any platform at any one time. Maximum span between supports must be 8 feet.

(l) "Window jack scaffolds." Not more than one employee must occupy a window jack scaffold at any one time.

(m) "Crawling boards (chicken ladders)." Crawling boards must be not less than 10 inches wide and 1 inch thick, with cleats having a minimum 1 x 1 1/2 inch cross-sectional area. The cleats must be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches.

(n) "Step, platform, and trestle ladder scaffolds." No additional guidelines or tables are given.

(o) "Single-point adjustable suspension scaffolds." Maximum intended load — 250 lbs. Wood seats for boat-swains' chairs must be not less than 1 inch thick if made of nonlaminated wood, or 5/8 inches thick if made of marine quality plywood.

(p) "Two-point adjustable suspension scaffolds."

(1) In addition to direct connections to buildings (except window cleaners' anchors) acceptable ways to prevent scaffold sway include angulated roping and static lines. Angulated roping is a system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building. Static lines are separate ropes secured at their top and bottom ends closer to the plane

of the building face than the outermost edge of the platform. By drawing the static line taut, the platform is drawn against the face of the building.

(2) On suspension scaffolds designed for a working load of 500 pounds, no more than two employees must be permitted on the scaffold at one time. On suspension scaffolds with a working load of 750 pounds, no more than three employees must be permitted on the scaffold at one time.

(3) Ladder-type platforms. The side stringer must be of clear straight-grained spruce. The rungs must be of straight-grained oak, ash, or hickory, at least 1 1/8 inches in diameter, with 7/8 inch tenons mortised into the side stringers at least 7/8 inch. The stringers must be tied together with tie rods not less than 1/4 inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips must be spaced not more than 5/8 inch apart, except at the side rails where the space may be 1 inch. Ladder-type platforms must be constructed in accordance with the following table:

Schedule for Ladder-Type Platforms

Length of Platform	12 feet	14 & 16 feet	18 & 20 feet
Side stringers, minimum cross section (finished sizes):			
At ends	1 3/4 x 2 3/4 in.	1 3/4 x 2 3/4 in.	1 3/4 x 3 in.
At middle	1 3/4 x 3 3/4 in.	1 3/4 x 3 3/4 in.	1 3/4 x 4
Reinforcing strip (minimum)	A 1/8 x 7/8 inch steel reinforcing strip must be attached to the side or underside, full length.		
Rungs	Rungs must be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter tenons, and the maximum spacing must be 12 inches to center.		
Tie rods: Number (minimum)	3	4	4
Diameter (minimum)	1/4 inch	1/4 inch	1/4 inch
Flooring, minimum finished size	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.
Length of Platform	22 & 24 ft.	28 & 30 ft.	
Side stringers, minimum cross section (finished sizes):			
At ends	1 3/4 x 3 in.	1 3/4 x 3 1/2 in.	
At middle	1 3/4 x 4 1/4 in.	1 3/4 x 5 in.	
Reinforcing strip (minimum)	A 1/8 x 7/8 inch steel reinforcing strip must be attached to the side or underside, full length.		
Rungs	Rungs must be 1 1/8 inch minimum diameter with at least 7/8 inch in diameter with at least 7/8 inch in diameter tenons, and the maximum spacing must be 12 inches to center.		
Tie rods: Number (minimum)	5	6	
Diameter (minimum)	1/4 in.	1/4 in.	
Flooring, minimum finished size	1/2 x 2 3/4 in.	1/2 x 2 3/4 in.	

(4) Plank-Type Platforms. Plank-type platforms must be composed of not less than nominal 2 x 8 inch unspliced planks, connected together on the underside with cleats at intervals not exceeding 4 feet, starting 6 inches from each end. A bar or other effective means must be securely fastened to the platform at each end to prevent the platform from slipping off the hanger. The span between hangers for plank-type platforms must not exceed 10 feet.

(5) Beam-Type Platforms. Beam platforms must have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers must not exceed 12 feet when beam platforms are used. The flooring must be supported on 2 x 6 inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed to the cross beams. Floor-boards must not be spaced more than 1/2 inch apart.

(q)(1) "Multi-point adjustable suspension scaffolds and stonemasons' multi-point adjustable suspension scaffolds." No specific guidelines or tables are given for these scaffolds.

(q)(2) "Masons' multi-point adjustable suspension scaffolds." Maximum intended load — 50 lb/ft(2). Each outrigger beam must be at least a standard 7 inch, 15.3 pound steel I-beam, at least 15 feet long. Such beams must not project more than 6 feet 6 inches beyond the bearing point. Where the overhang exceeds 6 feet 6 inches, outrigger beams must be composed of stronger beams or multiple beams.

(r) "Catenary scaffolds."

(1) Maximum intended load — 500 lbs.

(2) Not more than two employees must be permitted on the scaffold at one time.

(3) Maximum capacity of come-along must be 2,000 lbs.

(4) Vertical pickups must be spaced not more than 50 feet apart.

(5) Ropes must be equivalent in strength to at least 1/2 inch (1.3 cm) diameter improved plow steel wire rope.

(s) "Float (ship) scaffolds."

(1) Maximum intended load — 750 lbs.

(2) Platforms must be made of 3/4 inch plywood, equivalent in rating to American Plywood Association Grade B-B, Group I, Exterior.

(3) Bearers must be made from 2 x 4 inch, or 1 x 10 inch rough lumber. They must be free of knots and other flaws.

(4) Ropes must be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(t) "Interior hung scaffolds."

Bearers (use on edge): 2 x 10 in.

Maximum intended load: Maximum span

25 lb/ft.(2): 10 ft.

50 lb/ft.(2): 10 ft.

75 lb/ft.(2): 7 ft.

(u) "Needle beam scaffolds."

Maximum intended load: 25 lb/ft.(2)

Beams: 4 x 6 in.

Maximum platform span: 8 ft.

Maximum beam span: 10 ft.

(1) Ropes must be attached to the needle beams by a scaffold hitch or an eye splice. The loose end of the rope must be tied by a bowline knot or by a round turn and a half hitch.

PERMANENT

(2) Ropes must be equivalent in strength to at least 1 inch (2.5 cm) diameter first grade manila rope.

(v) "Multi-level suspension scaffolds." No additional guidelines or tables are being given for these scaffolds.

(w) "Mobile scaffolds." Stability test as described in the ANSI A92 series documents, as appropriate for the type of scaffold, can be used to establish stability for the purpose of WAC 296-24-86015 (23)(f)(ii).

(x) "Repair bracket scaffolds." No additional guidelines or tables are being given for these scaffolds.

(y) "Stilts." No specific guidelines or tables are given.

(z) "Tank builder's scaffold."

(1) The maximum distance between brackets to which scaffolding and guardrail supports are attached must be no more than 10 feet 6 inches.

(2) Not more than three employees must occupy a 10 feet 6 inch span of scaffold planking at any time.

(3) A taut wire or synthetic rope supported on the scaffold brackets must be installed at the scaffold plank level between the innermost edge of the scaffold platform and the curved plate structure of the tank shell to serve as a safety line in lieu of an inner guardrail assembly where the space between the scaffold platform and the tank exceeds 12 inches (30.48 cm). In the event the open space on either side of the rope exceeds 12 inches (30.48 cm), a second wire or synthetic rope appropriately placed, or guardrails in accordance with WAC 296-24-86010 (7)(d), must be installed in order to reduce that open space to less than 12 inches (30.48 cm).

(4) Scaffold planks of rough full-dimensioned 2-inch (5.1 cm) x 12-inch (30.5 cm) Douglas Fir or Southern Yellow Pine of Select Structural Grade must be used. Douglas Fir planks must have a fiber stress of at least 1900 lb/in(2) (130,929 n/cm(2)) and a modulus of elasticity of at least 1,900,000 lb/in(2) (130,929,000 n/cm(2)), while Yellow Pine planks must have a fiber stress of at least 2500 lb/in(2) (172,275 n/cm(2)) and a modulus of elasticity of at least 2,000,000 lb/in(2) (137,820,000 n/cm(2)).

(5) Guardrails must be constructed of a taut wire or synthetic rope, and must be supported by angle irons attached to brackets welded to the steel plates. These guardrails must comply with WAC 296-24-86010 (7)(d) guardrail supports must be located at no greater than 10 feet 6 inch intervals.

#### **Nonmandatory Appendix C to Part J-2, List of National Consensus Standards.**

ANSI/SIA A92.2-1990 Vehicle-Mounted Elevating and Rotating Aerial Devices

ANSI/SIA A92.3-1990 Manually Propelled Elevating Aerial Platforms

ANSI/SIA A92.5-1990 Boom Supported Elevating Work Platforms

ANSI/SIA A92.6-1990 Self-Propelled Elevating Work Platforms

ANSI/SIA A92.7-1990 Airline Ground Support Vehicle-Mounted Vertical Lift Devices

ANSI/SIA A92.8-1993 Vehicle-Mounted Bridge Inspection and Maintenance Devices

ANSI/SIA A92.9-1993 Mast-Climbing Work Platforms

#### **Nonmandatory Appendix D to Part J-2, List of Training Topics for Scaffold Erectors and Dismantlers.**

This Appendix D is provided to serve as a guide to assist employers when evaluating the training needs of employees erecting or dismantling supported scaffolds.

The Agency believes that employees erecting or dismantling scaffolds should be trained in the following topics:

- \*General Overview of Scaffolding
- \*regulations and standards
- \*erection/dismantling planning
- \*PPE and proper procedures
- \*fall protection
- \*materials handling
- \*access
- \*working platforms
- \*foundations
- \*guys, ties and braces
- \*Tubular Welded Frame Scaffolds
- \*specific regulations and standards
- \*components
- \*parts inspection
- \*erection/dismantling planning
- \*guys, ties and braces
- \*fall protection
- \*general safety
- \*access and platforms
- \*erection/dismantling procedures
- \*rolling scaffold assembly
- \*putlogs
- \*Tube and Clamp Scaffolds
- \*specific regulations and standards
- \*components
- \*parts inspection
- \*erection/dismantling planning
- \*guys, ties and braces
- \*fall protection
- \*general safety
- \*access and platforms
- \*erection/dismantling procedures
- \*buttresses, cantilevers, & bridges
- \*System Scaffolds
- \*specific regulations and standards
- \*components
- \*parts inspection
- \*erection/dismantling planning
- \*guys, ties and braces
- \*fall protection
- \*general safety
- \*access and platforms
- \*erection/dismantling procedures
- \*buttresses, cantilevers, & bridges

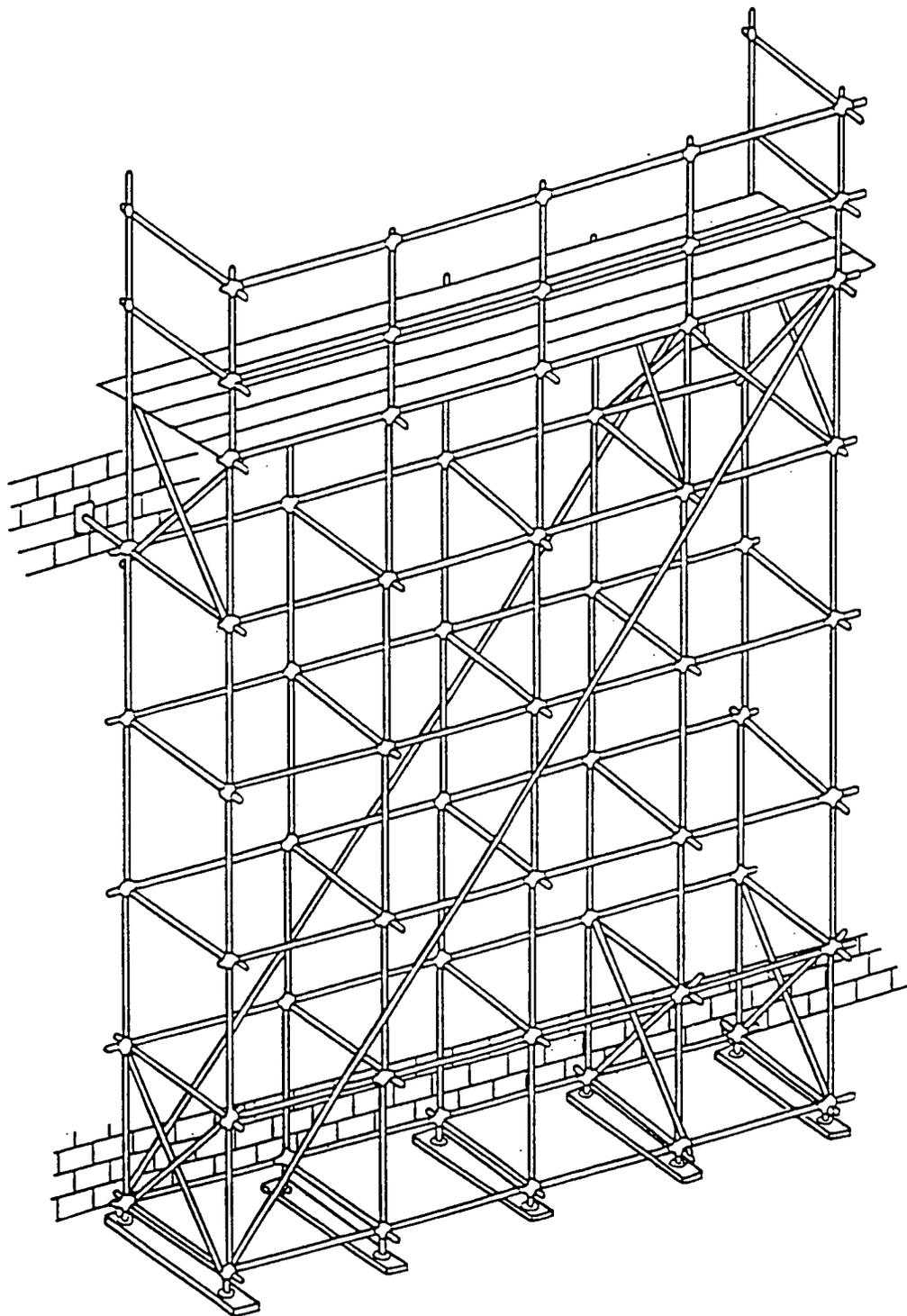
Scaffold erectors and dismantlers should all receive the general overview, and, in addition, specific training for the type of supported scaffold being erected or dismantled.

#### **Nonmandatory Appendix E to Part J-2, Drawings and Illustrations.**

This Appendix provides drawings of particular types of scaffolds and scaffold components, and graphic illustrations of bracing patterns and tie spacing patterns.

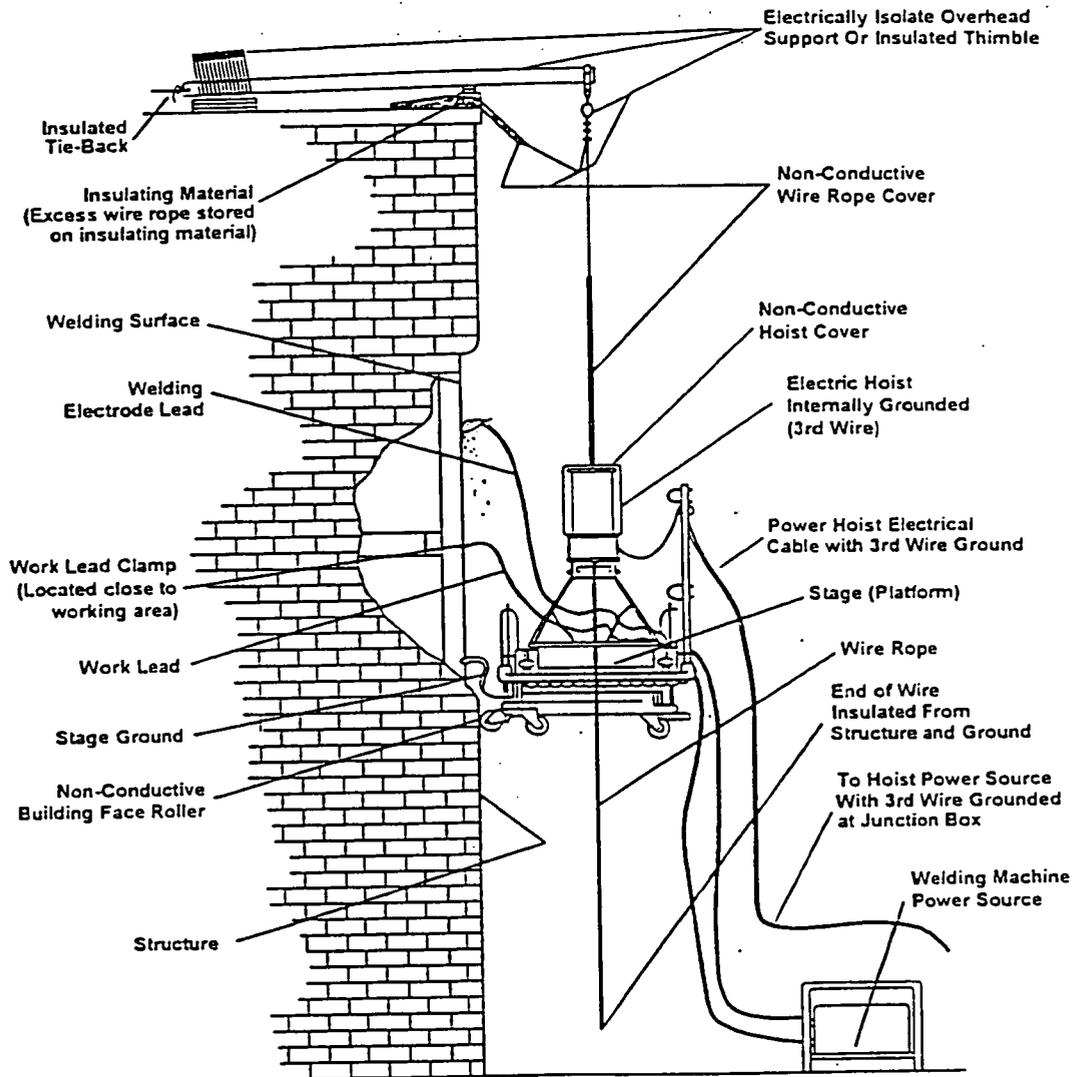
This Appendix is intended to provide visual guidance to assist the user in complying with the requirements of Part J-2, chapter 296-24 WAC.

## BRACING-TUBE & COUPLER SCAFFOLDS



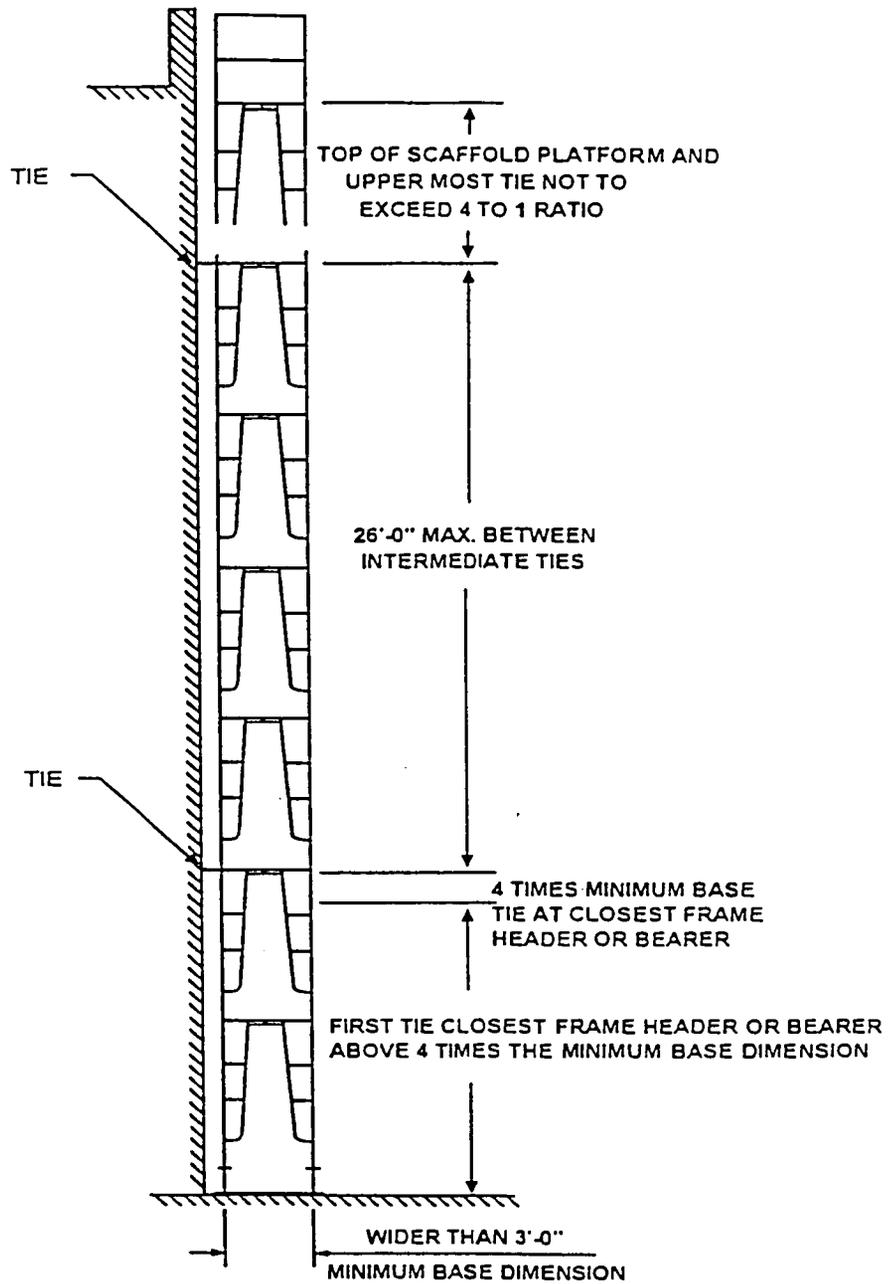
PERMANENT

### SUSPENDED SCAFFOLD PLATFORM WELDING PRECAUTIONS



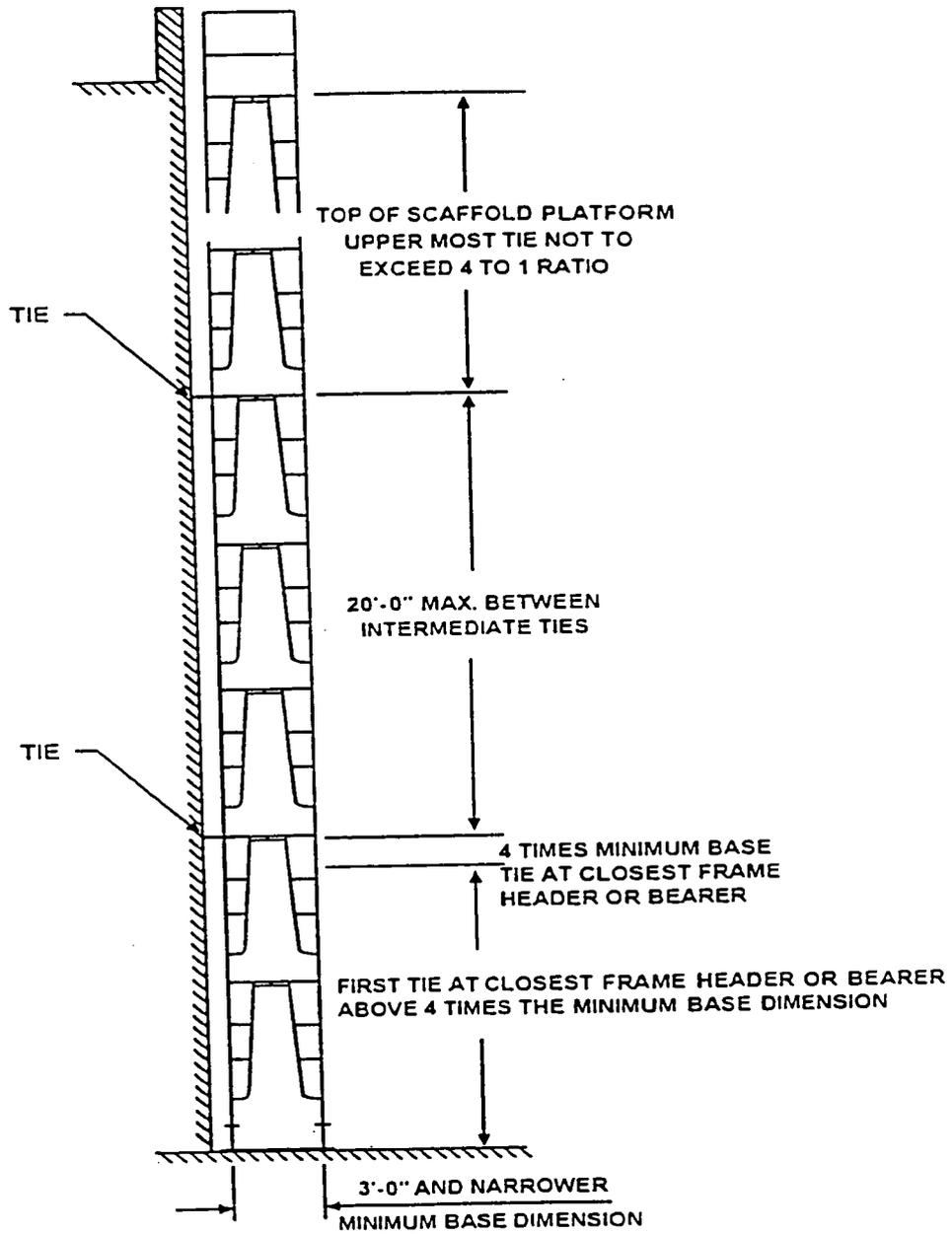
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MAXIMUM VERTICAL TIE SPACING WIDER THAN 3'-0" BASES



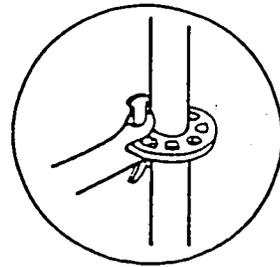
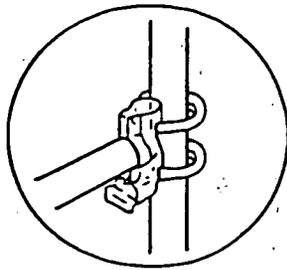
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# MAXIMUM VERTICAL TIE SPACING 3'-0" AND NARROWER BASES

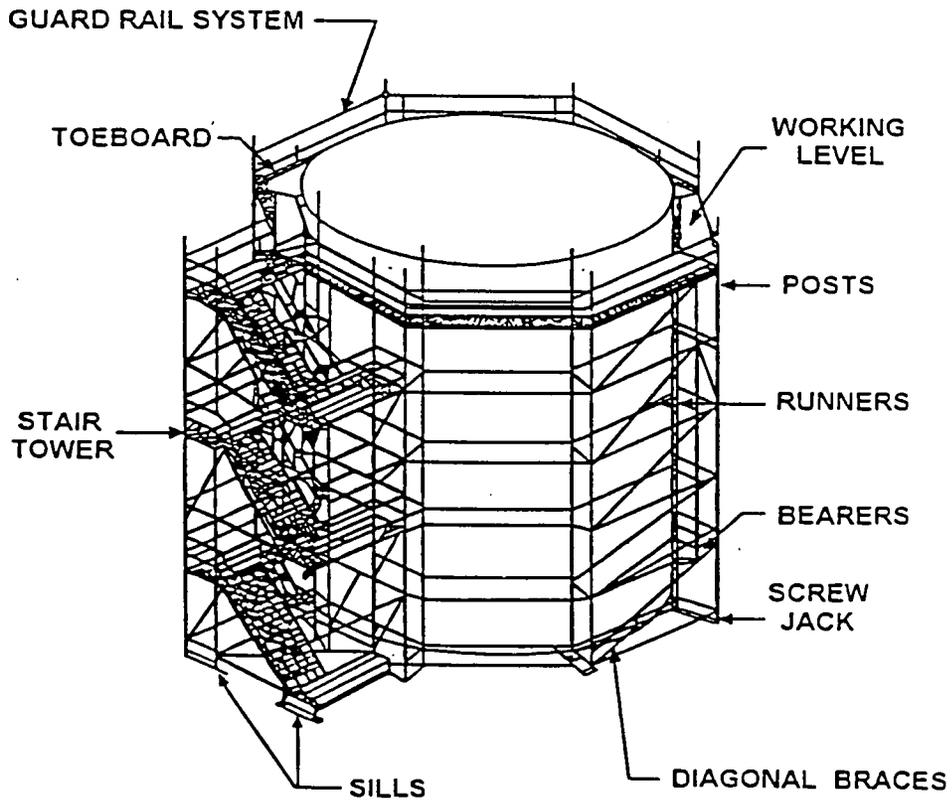
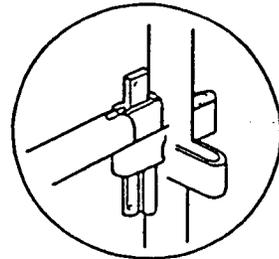
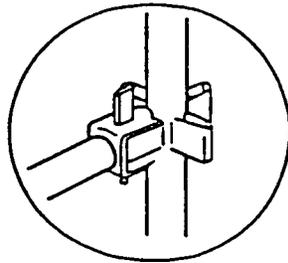


PERMANENT

# SYSTEM SCAFFOLD



JOINT CONNECTIONS  
VARY ACCORDING  
TO MANUFACTURER



PERMANENT

SPIB<sup>®</sup>- DNS IND 65  
 K019 S-DRY (7)  
 SCAFFOLD PLANK

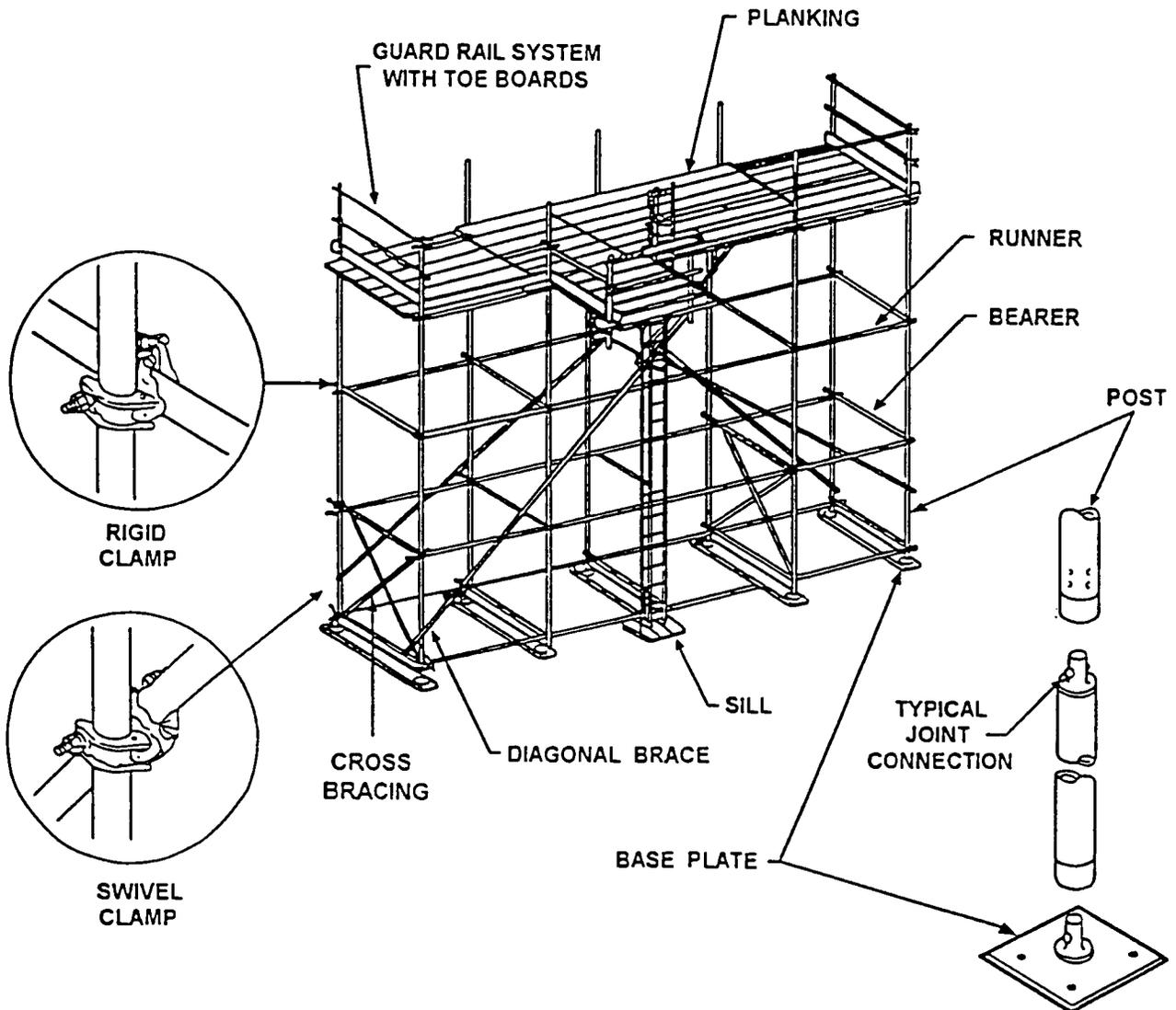
MILL 10  
  
 SEL STR  
 SCAF PLK  
 D. FIR S. DRY

Grade stamp courtesy of Southern Pine Inspection Bureau

Grade stamp courtesy of West Coast Lumber Inspection Bureau

PERMANENT

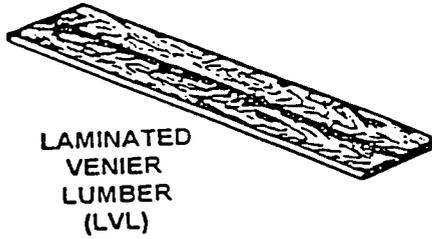
# TUBE AND COUPLER SCAFFOLD



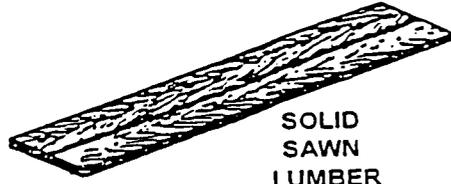
NOTE: ALL TIES SHOULD BE LOCATED AT CLAMP LOCATIONS.

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### SCAFFOLDING WORK SURFACES



LAMINATED  
VENIER  
LUMBER  
(LVL)

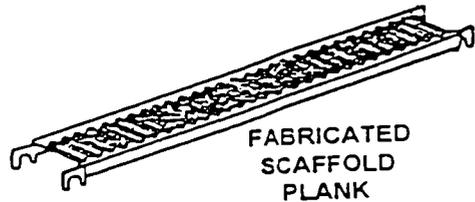


SOLID  
SAWN  
LUMBER

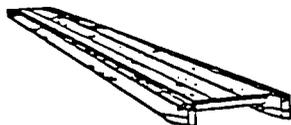
#### SCAFFOLD PLANKS



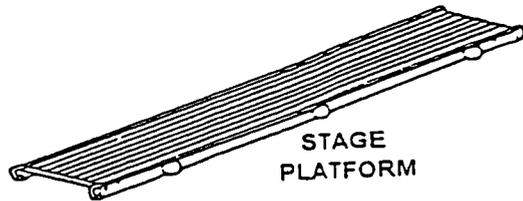
FABRICATED  
SCAFFOLD  
DECK



FABRICATED  
SCAFFOLD  
PLANK



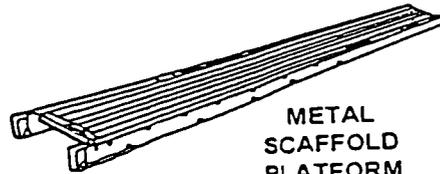
DECORATOR PLANK



STAGE  
PLATFORM



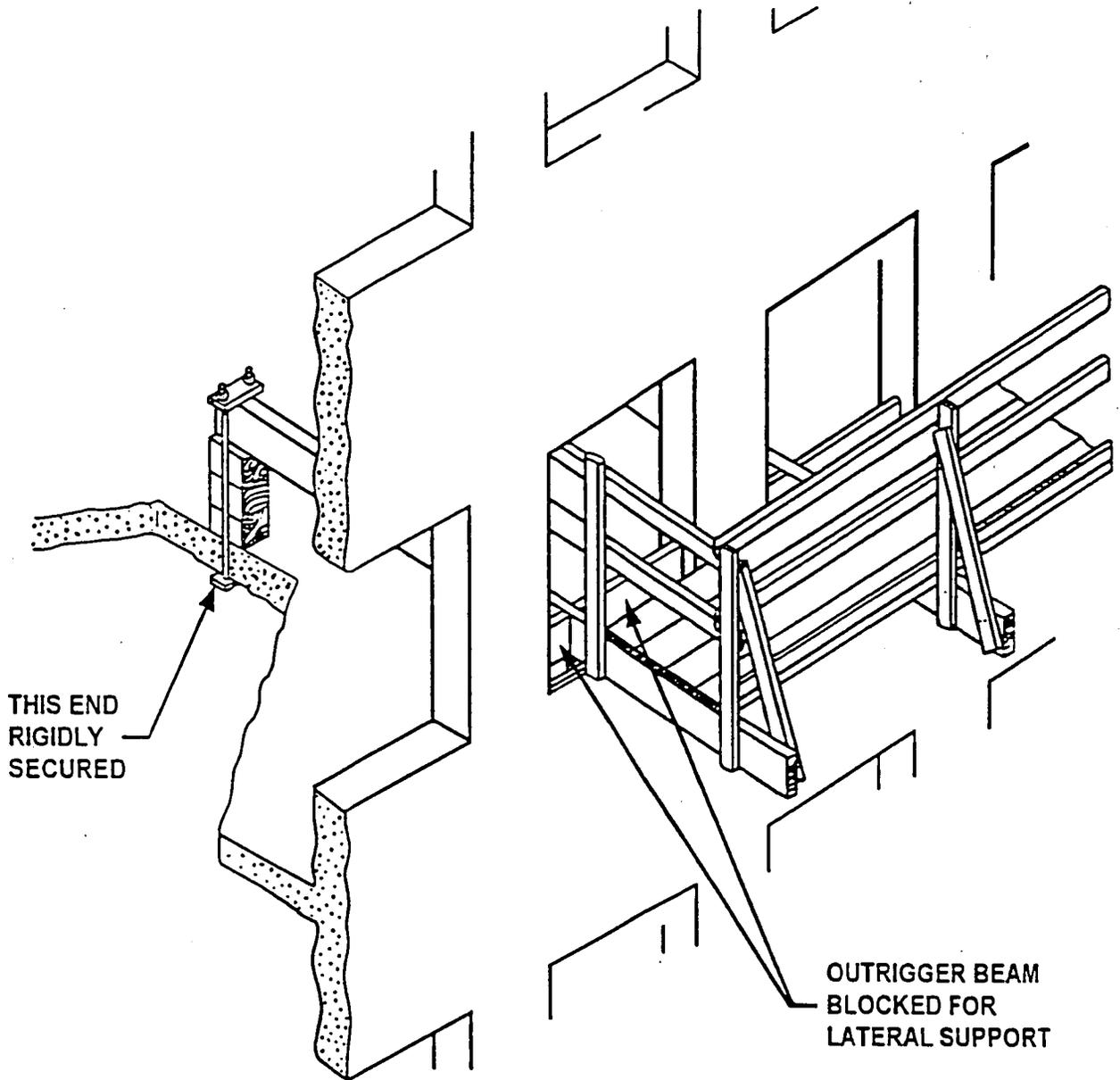
WOOD  
SCAFFOLD  
PLATFORM



METAL  
SCAFFOLD  
PLATFORM

PERMANENT

# OUTRIGGER SCAFFOLD



PERMANENT

### PART J-3 POWERED PLATFORMS

#### NEW SECTION

**WAC 296-24-875 Elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms must be in accordance with ANSI A92.3-1990.

(2) General requirements.

(a) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, must be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(b) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, must not be used on an inclined surface.

(c) Any work platform designed by the manufacturer to be operated on an inclined surface must also be capable of passing the stability tests outlined in (a) of this subsection while on such a surface. Procedures for maintaining stability must be clearly outlined in the special warnings section of the operating instructions and users must follow these instructions.

(d) If outriggers or stabilizers must be employed to meet the tests for stability outlined in (a) of this subsection, the operating instructions must require their use and such outriggers or stabilizers must be provided and used.

(e) The platform width must not be less than eighteen inches and must be provided with a surface to minimize slipping.

(f) The platform must be provided with a guardrail or other structure around its upper periphery and the guardrail must be at least thirty-eight inches high but no more than forty-five inches high, with a midrail approximately midway between the top rail and the platform surface.

(i) The guardrail system must be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail.

(ii) The top rail or midrail must withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts.

(iii) Guardrail terminal posts must withstand two hundred pounds applied in any direction at the top of the post.

(g) The platform must be provided with four-inch (nominal dimension) toeboards on all sides.

(h) Toeboards may be omitted at the access openings.

(i) The configuration of the work platform must include access for personnel to use in reaching the platform deck when it is in the lowered position.

(i) Any access system used in this way must have rungs or steps located on uniform centers not to exceed sixteen inches.

(ii) Steps or rungs must be provided with a face that minimizes slipping.

(3) Safety factor specifications.

(a) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain must not be less than eight to one, based on ultimate strength.

(b) All critical components of a hydraulic or pneumatic system used in a work platform must have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.)

(c) All noncritical hydraulic components must have a bursting strength safety factor of at least two to one.

(4) Fail safe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event of failure of a hydraulic or pneumatic line.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system must be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system must be protected by a broken-cable safety device which will prevent free descent of the platform.

(e) Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above must apply.

(f) The control system must be designed so that a single malfunction in the control system will not result in unintended machine motion.

(g) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(5) Emergency lowering means. Any work platform equipped with a powered elevating assembly must be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(6) Guarding. Mechanical power transmission apparatus must be guarded in accordance with WAC 296-24-205, General safety and health standards.

(7) Directional controls.

(a) All directional controls must be marked for the direction they control and must be of the type which automatically returns to the "off" or the neutral position when released.

(b) Controls must be protected against inadvertent operation.

(8) Motor requirements.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines must be hard lines except where isolation from vibration requires a flexible connection.

(b) LP-gas engine fuel systems must comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1995.

(c) The exhaust system must be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(9) Prevention of lateral movement. Each work platform must be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(10) Specifications display. The following information must be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage rating of batteries or rated voltage of AC line.

(f) Statement of the need for the operator's familiarity with the work platform before it is used.

(11) Alternative configuration statement. When a work platform is designed with alternative configurations:

(a) The manufacturer must clearly describe these alternatives, including the rated capacity in each situation.

(b) If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.

(12) Insulation marking. A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard must be stated in accordance with ANSI A92.2-1990.

(13) Maintenance and operating manuals requirement. An operating and maintenance manual(s) must be provided with each work platform and must contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (10) of this section.

(b) The maximum hydraulic and pneumatic systems pressure and the maximum voltage of the electrical systems which are part of the work platform.

(c) Instructions regarding operation and maintenance.

(d) Replacement part(s) information.

(14) Rated load display. The rated work load must be clearly displayed at each entrance to the work platform.

(15) Management responsibilities.

(a) Employers' responsibilities must be in accordance with ANSI A92.3-1990.

(b) Only trained and authorized personnel must be permitted to operate the work platform.

(c) Work platforms that are not in safe operating condition must be removed from service until repaired.

(d) Repairs must be made by a qualified person in conformance with the manufacturer's operating and maintenance manuals.

(e) Operators must be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1990.

(f) Modifications or alterations of work platforms must be made only with written permission of the manufacturer or any other equivalent entity.

## NEW SECTION

**WAC 296-24-87505 Self-propelled elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms must be in accordance with ANSI A92.6-1990.

(2) Minimum rated work load.

(a) The minimum rated work load of work platforms must not be less than two hundred fifty pounds.

(b) All structural load-supporting elements of the work platform must have a structural safety factor of not less than two based on the minimum yield strength of the material.

(c) All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) must have a structural safety factor of not less than five based on the minimum ultimate strength of the material.

(d) Design and stability tests must be in accordance with ANSI A92.6-1990.

(e) Each production unit on level ground must sustain a load test with a platform load at least one hundred fifty percent of the rated capacity imposed. The test must include the movement of the platform through its entire range of motion.

(3) Driving interlock.

(a) The unit must use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of these, are adjusted to meet the stability test requirements.

(b) A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test. At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.

(4) Platform outrigger interlocks. Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks must prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks must also prevent the retraction of these devices while the platform is above that level.

(5) Platform requirement.

(a) A guardrail or other structure must be provided around its upper periphery, which must be at least thirty-eight inches high but no more than forty-five inches high, a mid-rail, and toeboards which must be not less than four inches high (nominal dimension). Guardrail and midrail chains, or

the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening.

(b) The work platform must have a minimum width of eighteen inches. Proper access must be provided for personnel to use in reaching the platform deck when it is in the lowered position.

(c) A floor surface must be provided for both the platform and the access that will minimize slipping.

(6) System safety factors.

(a) When the platform supports its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains must not be less than eight to one, based on ultimate strength.

(b) All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems must have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(c) Noncritical hydraulic components must have a minimum bursting strength of at least twice the operating pressure for which the system is designed.

(7) Safety design requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be designed to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure.

(c) Where the platform is horizontally extendable beyond the base of the machine, the system must be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure.

(d) Where the elevation of the platform is accomplished by a single hoist cable, the system must be protected by a broken-cable safety device that will prevent free descent of the platform.

(e) In addition to the primary operator controls, the work platform must be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions.

(f) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure.

(g) Any work platform equipped with a powered elevating assembly must be supplied with clearly marked emergency lowering means readily accessible from ground level.

(h) Mechanical power transmission apparatus must be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) Directional controls.

(a) Directional controls must move in the direction of the function they control. The controls must be of the type that automatically return to the off or the neutral position when released.

(b) Such controls must be protected against inadvertent operation and must be clearly marked.

(9) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to keep chafing to a mini-

imum. They must be located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines must be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems must use flexible LP gas hose or hard lines.

(d) Exhaust lines must be equipped with mufflers. The lines must be located to minimize the exposure of noise and fumes to operators and personnel near the units.

(10) Each work platform must be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(11) Specifications display. The following information must be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z535.2-1991.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer must clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard must be stated, in accordance with ANSI 92.2-1990.

(i) The rated work load must be clearly displayed at each entrance to the platform.

(12) Lift manual requirement. Each work platform must be provided with an appropriate manual. The manual must contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11)(h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Inspection and maintenance.

(a) Each work platform must be inspected, maintained, repaired and kept in proper working order in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform not in safe operating condition must be removed from service until it is repaired.

(c) All repairs must be made by a qualified service person in conformance with the manufacturer's maintenance and repair manuals.

(14) Operator requirements. Only trained and authorized personnel must be permitted to operate the work platform. Before using the work platform, the operator must:

(a) Read and understand the manufacturer's operating instructions and safety rules, and be trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understand all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it must be given a thorough inspection, which must include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection must be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items must be corrected before further use of the work platform.

(e) Before the work platform is used, the operator must survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

(iii) Dropoffs or holes.

(iv) Bumps and floor obstructions.

(v) Debris.

(vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) Requirement for operations. The work platform must be used only in accordance with the Manufacturer's Operating Instructions and Safety Rules, ANSI A92.6-1990, and this standard.

(a) Only trained and authorized personnel must be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator must:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors must be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure that the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits must never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator must:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) The operator must limit travel speed according to conditions. Conditions to be observed are: Ground surface, congestion, slope, location of personnel, and other factors that may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay must not be permitted.

(f) Personnel must maintain a firm footing on the platform while working thereon unless they are secured by safety harness and lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height must be prohibited.

(g) The operator must immediately report defects or malfunctions which become evident during operation and must stop use of the work platform until correction has been made.

(h) Altering or disabling of safety devices or interlocks must be prohibited.

(i) Care must be taken to prevent ropes, electric cords, hoses, etc., from tangling with the work platform when the platform is being elevated, lowered, or moved.

(j) Work platform rated capacities must not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator must ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks must not be filled while the engine is running. Spillage must be avoided.

(17) Batteries must not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire.

(18) Modifications. All modifications and alterations to work platforms must be certified in writing as being in conformance with ANSI A92.6-1990 by the manufacturer or any equivalent entity, such as a nationally recognized testing laboratory.

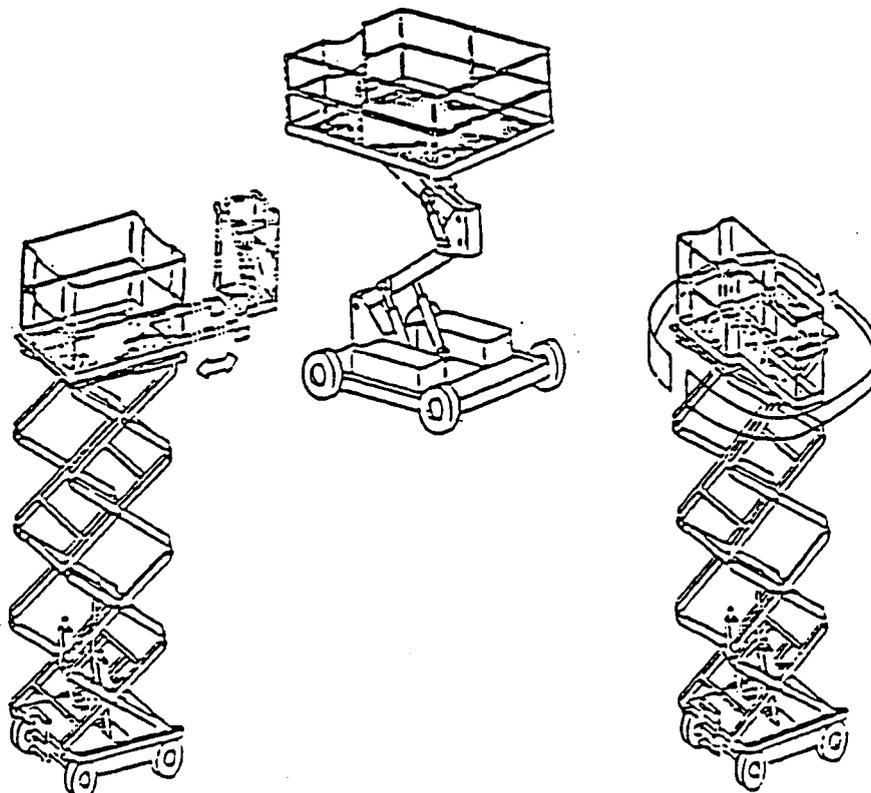


Fig. 1  
Examples of Work Platforms

## NEW SECTION

**WAC 296-24-87510 Boom supported elevating work platforms.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms must be in accordance with ANSI A92.5-1992.

(2) Minimum rated work load. The minimum rated work load of a work platform must be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings must include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings must have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

- (i) Outriggers extended to firm footing versus outriggers not extended.
  - (ii) Large platform versus small platform.
  - (iii) Extendable boom retracted versus extended.
  - (iv) Boom elevated versus lowered.
  - (v) Extendable axles extended versus retracted.
- (3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom

makes with the horizontal, the manufacturer must install means by which that angle can be determined. Such means must be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform must have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking must have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor must be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress must include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1992.

(5) Platform stability.

(a) Each work platform must be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they must be extended.

(ii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform must sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load must be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

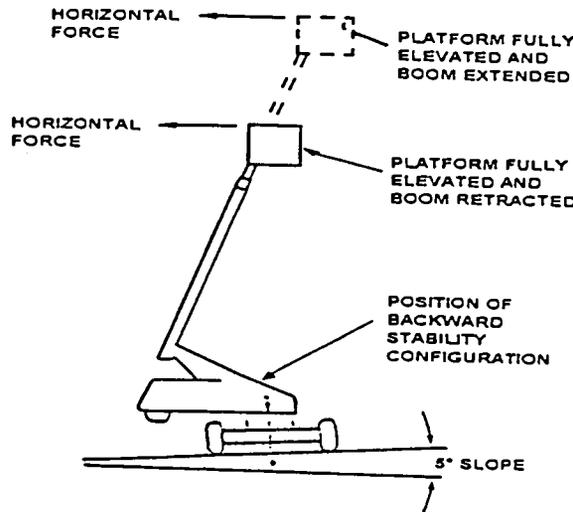
(ii) The work platform must remain stable during this test.

(iii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform must be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they must be extended.

(ii) A visual inspection must be made to determine whether this test has produced an adverse effect on any component.



(6) Work platform design requirement. The work platform must be provided with a guardrail or other structure at least thirty-eight inches high but no more than forty-five inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces must be skid resistant.

(b) Attachment points must be provided for a full body harness and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms must have both primary and secondary controls.

(a) Primary controls must be readily accessible to the operator on the platform.

(b) Secondary controls must be designed to override the primary controls and must be readily accessible from ground level.

(c) Both primary and secondary controls must be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls must move in the direction of the function which they control when possible, and must be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls must be protected against inadvertent operation.

(8) Outrigger interlocks. Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks must be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly

PERMANENT

set. Control circuits must ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) Auxiliary operating means: All work platforms must be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) Emergency stop: All work platforms must be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) Tilt alarm: All work platforms must be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) System safety factors.

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain must not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems must have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components must have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) Failsafe requirements.

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system must be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system must be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, must be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) Engine requirement.

(a) Fuel lines of internal-combustion-engine-powered work platforms must be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines must be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems must use flexible LP gas hose or hard lines.

(d) Exhaust lines must be equipped with mufflers and must be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(15) Specifications display. There must be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z535.2-1991.

All unsafe items must be corrected before further use of the

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives must be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard must be stated.

(h) The rated work load must be clearly displayed at each entrance to the platform and the operator control station.

(16) Lift manual requirements. Each work platform must be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) Inspection and maintenance.

(a) Each work platform must be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition must be removed from service until repaired.

(c) All repairs must be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) Operator requirements. Only trained and authorized persons must be permitted to operate the work platform. Before using the work platform, the operator must:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform must be inspected for defects that would affect its safe operation and use. The inspection must consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items must be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. work platform.

(iii) Before the work platform is used and during use, the job site must be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform must be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1990 and this standard.

(a) Only trained and authorized personnel must be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator must:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors must be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load must never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' full body harnesses are on and properly attached.

(c) Before and during driving while elevated, the operator must:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions the operator must limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

(e) Stunt driving and horseplay must not be permitted.

(f) Personnel must maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and approved by the manufacturer must be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform for achieving additional height must be prohibited.

(g) The operators must immediately report to their supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation must be repaired prior to continued use of the work platform.

(h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(i) Care must be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(j) Work platform rated capacities must not be exceeded when live loads are transferred to the platform at elevated heights.

(k) The operator must ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks must not be filled while the engine is running. Caution must be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries must not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There must be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1992 and this standard.

#### NEW SECTION

**WAC 296-24-87515 Aerial lifts.** (1) "General requirements."

(a) Unless otherwise provided in this section, aerial lifts acquired for use on or after January 22, 1973, must be designed and constructed in conformance with the applicable requirements of the American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including Appendix. Aerial lifts acquired before January 22, 1973, which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they must have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to job-sites above ground:

(i) Extensible boom platforms;

(ii) Aerial ladders;

(iii) Articulating boom platforms;

(iv) Vertical towers; and

(v) A combination of any such devices. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(b) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

(2) "Specific requirements."

(a) Ladder trucks and tower trucks:

(i) Aerial ladders must be secured in the lower traveling position by the locking device on top of the truck cab, and the

manually operated device at the base of the ladder before the truck is moved for highway travel.

(ii) A full body harness must be worn and a lanyard attached to the ladder rail or tower when working from ladder trucks or tower trucks.

(b) Extensible and articulating boom platforms.

(i) Lift controls must be tested each day prior to use to determine that such controls are in safe working condition.

(ii) Only authorized persons must operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift must not be permitted.

(iv) Employees must always stand firmly on the floor of the basket, and must not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A full body harness must be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer must not be exceeded.

(vii) The brakes must be set and when outriggers are used, they must be positioned on pads or a solid surface. Wheel chocks must be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck must not be moved when the boom is elevated in a working position with workers in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subsection (1)(a) and (b) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, must have both platform (upper) and lower controls. Upper controls must be in or beside the platform within easy reach of the operator. Lower controls must provide for overriding the upper controls. Controls must be plainly marked as to their function. Lower level controls must not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers must not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift must not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) must be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in (b)(viii) of this subsection.

(c) Electrical tests. All electrical tests must conform to the requirements of ANSI A92.2-1990 section 5. However equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in ANSI A92.2-1990; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity must be considered an equivalent test for the purpose of this subsection (2)(c).

(d) Bursting safety factor. The provisions of the American National Standards Institute standard ANSI A92.2-1990, section 4.9 Bursting Safety Factor must apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components must have a bursting safety factor of at least 2 to 1.

(e) Welding standards. All welding must conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

Note: Nonmandatory Appendix C to this part lists examples of national consensus standards that are considered to provide employee protection equivalent to that provided through the application of ANSI A92.2-1990, where appropriate. Copies may be obtained from the American National Standards Institute.

### NEW SECTION

**WAC 296-24-880 Power platforms for exterior building maintenance.** (1) Scope. This section covers powered platform installations permanently dedicated to interior or exterior building maintenance of a specific structure or group of structures. This section does not apply to suspended scaffolds (swinging scaffolds) used to service buildings on a temporary basis and covered under Part J-2 of this chapter, nor to suspended scaffolds used for construction work and covered under Part J-1 of chapter 296-155 WAC. Building maintenance includes, but is not limited to, such tasks as window cleaning, caulking, metal polishing, and reglazing.

(2) Application.

(a) New installations. This section applies to all permanent installations completed after July 23, 1990. Major modifications to existing installations completed after that date are also considered new installations under this section.

(b) Existing installations.

(i) Permanent installations in existence and/or completed before July 23, 1990, must comply with WAC 296-24-88010, 296-24-88025, 296-24-88030, 296-24-88035, and 296-24-88050.

(ii) In addition, permanent installations completed after August 27, 1971, and in existence and/or completed before July 23, 1990, must comply with WAC 296-24-88055.

(3) Assurance.

(a) Building owners of new installations must inform the employer before each use in writing that the installation meets the requirements of WAC 296-24-88015(1) and 296-24-88020(1) and the additional design criteria contained in other provisions of WAC 296-24-88015 and 296-24-88020 relating to: Required load sustaining capabilities of platforms, building components, hoisting and supporting equipment; stability factors for carriages, platforms and supporting equipment; maximum horizontal force for movement of carriages and davits; design of carriages, hoisting machines, wire rope and stabilization systems; and design criteria for electrical wiring and equipment.

(b) Building owners must base the information required in (a) of this subsection on the results of a field test of the installation before being placed into service and following any major alteration to an existing installation, as required in WAC 296-24-88010(1). The assurance must also be based on all other relevant available information, including, but not limited to, test data, equipment specifications and verification by a registered professional engineer.

(c) Building owners of all installations, new and existing, must inform the employer in writing that the installation has been inspected, tested and maintained in compliance with the requirements of WAC 296-24-88010 and 296-24-88025 and that all protection anchorages meet the requirements of WAC 296-24-88050 (3)(j), Appendix C.

(d) The employer shall not permit employees to use the installation prior to receiving assurance from the building owner that the installation meets the requirements contained in (a) and (c) of this subsection.

### NEW SECTION

**WAC 296-24-88005 Definitions.** Anemometer. An instrument for measuring wind velocity.

Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

ANSI. American National Standards Institute.

Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

Brake-disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

Brake-self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

Brake-shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

Building maintenance. Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

Cable. A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to supply electrical power and/or control current for equipment or to provide voice communication circuits.

Carriage. A wheeled vehicle used for the horizontal movement and support of other equipment.

Certification. A written, signed, and dated statement confirming the performance of a requirement of this section.

Combination cable. A cable having both steel structural members capable of supporting the platform, and copper or

other electrical conductors insulated from each other and the structural members by nonconductive barriers.

Competent person. One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Continuous pressure. Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

Davit. A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

Equivalent. Alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

Ground rigging. A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

Ground rigged davit. A davit which cannot be used to raise a suspended working platform above the building face being serviced.

Guide button. A building face anchor designed to engage a guide track mounted on a platform.

Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

Hoisting machine. A device intended to raise and lower a suspended or supported unit.

Hoist rated load. The hoist manufacturer's maximum allowable operating load.

Installation. All the equipment and all affected parts of a building which are associated with the performance of building maintenance using powered platforms.

Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

**Intermittent stabilization.** A method of platform stabilization in which the angulated suspension wire rope(s) are secured to regularly spaced building anchors.

**Lanyard.** A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

**Lifeline.** A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

**Live load.** The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

**Obstruction detector.** A control that will stop the suspended or supported unit in the direction of travel if an obstruction is encountered, and will allow the unit to move only in a direction away from the obstruction.

**Operating control.** A mechanism regulating or guiding the operation of equipment that ensures a specific operating mode.

**Operating device.** A pushbutton, lever, or other manual device used to actuate a control.

**Outrigger.** A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

**Platform rated load.** The combined weight of workers, tools, equipment and other material which is permitted to be carried by the working platform at the installation, as stated on the load rating plate.

**Poured socket.** The method of providing wire rope terminations in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

**Powered platform.** Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

**Primary brake.** A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

**Prime mover.** The source of mechanical power for a machine.

**Rated load.** The manufacturer's specified maximum load to be lifted by a hoist or to be applied to a scaffold or scaffold component.

**Rated strength.** The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

**Rated working load.** The combined static weight of workers, materials, and suspended or supported equipment.

**Registered professional engineer.** A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

**Relay, direction.** An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

**Relay, potential for vertical travel.** An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition "relay direction."

**Roof car.** A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

**Roof-powered platform.** A powered platform having the raising and lowering mechanism located on a roof car.

**Roof rigged davit.** A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground-rigged.

**Rope.** The equipment used to suspend a component of an equipment installation, i.e., wire rope.

**Safe surface.** A horizontal surface intended to be occupied by personnel, which is so protected by a fall protection system that it can be reasonably assured that said occupants will be protected against falls.

**Secondary brake.** A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

**Self-powered platform.** A powered platform having the raising and lowering mechanism located on the working platform.

**Speed reducer.** A positive type speed reducing machine.

**Stability factor.** The ratio of the stabilizing moment to the overturning moment.

**Stabilizer tie.** A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

**Supported equipment.** Building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

**Suspended equipment.** Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

**Suspended scaffold (swinging scaffold).** A scaffold supported on wire or other ropes, used for work on, or for providing access to, vertical sides of structures on a temporary basis. Such scaffold is not designed for use on a specific structure or group of structures.

**Tail line.** The nonsupporting end of the wire rope used to suspend the platform.

**Tie-in guides.** The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

**Traction hoist.** A type of hoisting machine that does not accumulate the suspension wire rope on the hoisting drum or sheave, and is designed to raise and lower a suspended load by the application of friction forces between the suspension wire rope and the drum or sheave.

**Transportable outriggers.** Outriggers designed to be moved from one work location to another.

**Traveling cable.** A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

**Trolley carriage.** A carriage suspended from an overhead track structure.

**Verified.** Accepted by design, evaluation, or inspection by a registered professional engineer.

**Weatherproof.** Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

**Winding drum hoist.** A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

**Working platform.** The suspended or supported equipment intended to provide access to the face of the building and manned by persons engaged in building maintenance.

**Wrap.** One complete turn of the suspension wire rope around the surface of a hoist drum.

**Yield point.** The stress at which the material exhibits a permanent set of 0.2 percent.

**Zinc fastenings.** The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

## NEW SECTION

**WAC 296-24-88010 Inspections and tests.** (1) Installations and alterations. All completed building maintenance equipment installations must be inspected and tested in the field before being placed in initial service to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment is functioning as required. A similar inspection and test must be made following any major alteration to an existing installation. No hoist in an installation must be subjected to a load in excess of 125 percent of its rated load.

(2) Periodic inspections and tests.

(a) Related building supporting structures must undergo periodic inspection by a competent person at intervals not exceeding 12 months.

(b) All parts of the equipment including control systems must be inspected, and, where necessary, tested by a competent person at intervals specified by the manufacturer/supplier, but not to exceed 12 months, to determine that they are in safe operating condition. Parts subject to wear, such as wire ropes, bearings, gears, and governors must be inspected and/or tested to determine that they have not worn to such an extent as to affect the safe operation of the installation.

(c) The building owner must keep a certification record of each inspection and test required under (a) and (b) of this subsection. The certification record must include the date of the inspection, the signature of the person who performed the inspection, and the number, or other identifier, of the building support structure and equipment which was inspected. This certification record must be kept readily available for review by the director or an authorized representative and by the employer.

(d) Working platforms and their components must be inspected by the employer for visible defects before every use and after each occurrence which could affect the platform's structural integrity.

(3) Maintenance, inspections and tests.

(a) A maintenance inspection and, where necessary, a test must be made of each platform installation every 30 days, or where the work cycle is less than 30 days such inspection and/or test must be made prior to each work cycle. This inspection and test must follow procedures recommended by the manufacturer, and must be made by a competent person.

(b) The building owner must keep a certification record of each inspection and test performed under (a) of this subsection. The certification record must include the date of the inspection and test, the signature of the person who performed the inspection and/or test, and an identifier for the platform installation which was inspected. The certification record must be kept readily available for review by the director or an authorized representative and by the employer.

(4) Special inspection of governors and secondary brakes.

(a) Governors and secondary brakes must be inspected and tested at intervals specified by the manufacturer/supplier but not to exceed every 12 months.

(b) The results of the inspection and test must confirm that the initiating device for the secondary braking system operates at the proper overspeed.

(c) The results of the inspection and test must confirm that the secondary brake is functioning properly.

(d) If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, all reinstalled and directly related components must be reinspected prior to returning the equipment installation to service.

(e) Inspection of governors and secondary brakes must be performed by a competent person.

(f) The secondary brake governor and actuation device must be tested before each day's use. Where testing is not feasible, a visual inspection of the brake must be made instead to ensure that it is free to operate.

(5) Adverse weather. The operation of powered platforms during severe adverse weather conditions is prohibited.

(6) Suspension wire rope maintenance, inspection and replacement.

(a) Suspension wire rope must be maintained and used in accordance with procedures recommended by the wire rope manufacturer.

(b) Suspension wire rope must be inspected by a competent person for visible defects and gross damage to the rope before every use and after each occurrence which might affect the wire rope's integrity.

(c) A thorough inspection of suspension wire ropes in service must be made once a month. Suspension wire ropes that have been inactive for 30 days or longer must have a thorough inspection before they are placed into service. These thorough inspections of suspension wire ropes must be performed by a competent person.

(d) The need for replacement of a suspension wire rope must be determined by inspection and must be based on the condition of the wire rope. Any of the following conditions or

combination of conditions will be cause for removal of the wire rope:

- (i) Broken wires exceeding three wires in one strand or six wires in one rope lay;
  - (ii) Distortion of rope structure such as would result from crushing or kinking;
  - (iii) Evidence of heat damage;
  - (iv) Evidence of rope deterioration from corrosion;
  - (v) A broken wire within 18 inches (460.8 mm) of the end attachments;
  - (vi) Noticeable rusting and pitting;
  - (vii) Evidence of core failure (a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter suggests core failure); or
  - (viii) More than one valley break (broken wire);
  - (ix) Outer wire wear exceeds one-third of the original outer wire diameter;
  - (x) Any other condition which the competent person determines has significantly affected the integrity of the rope.
- (e) The building owner must keep a certification record of each monthly inspection of a suspension wire rope as required in subdivision (c) of this subsection. The record must include the date of the inspection, the signature of the person who performed the inspection, and a number, or other identifier, of the wire rope which was inspected. This record of inspection must be made available for review by the director or an authorized representative and by the employer.

(7) Hoist inspection. Before lowering personnel below the top elevation of the building, the hoist must be tested each day in the lifting direction with the intended load to make certain it has sufficient capacity to raise the personnel back to the boarding level.

#### NEW SECTION

**WAC 296-24-88015 Powered platform installations—Affected parts of buildings.** (1) General requirements. The following requirements apply to affected parts of buildings which utilize working platforms for building maintenance.

- (a) Structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation must be designed by or under the direction of a registered professional engineer experienced in such design;
- (b) Exterior installations must be capable of withstanding prevailing climatic conditions;
- (c) The building installation must provide safe access to, and egress from, the equipment and sufficient space to conduct necessary maintenance of the equipment;
- (d) The affected parts of the building must have the capability of sustaining all the loads imposed by the equipment; and
- (e) The affected parts of the building must be designed so as to allow the equipment to be used without exposing employees to a hazardous condition.

(2) Tie-in guides.

(a) The exterior of each building must be provided with tie-in guides unless the conditions in (b) or (c) of this subsection are met.

Note: See Figure 1 in Appendix B of this section for a description of a typical continuous stabilization system utilizing tie-in guides.

(b) If angulated roping is employed, tie-in guides required in (a) of this subsection may be eliminated for not more than 75 feet (22.9 m) of the uppermost elevation of the building, if infeasible due to exterior building design, provided an angulation force of at least 10 pounds (44.4 n) is maintained under all conditions of loading.

(c) Tie-in guides required in (a) of this subsection may be eliminated if one of the guide systems in items (i), (ii), or (iii) of this subdivision is provided, or an equivalent.

(i) Intermittent stabilization system. The system must keep the equipment in continuous contact with the building facade, and must prevent sudden horizontal movement of the platform. The system may be used together with continuous positive building guide systems using tie-in guides on the same building, provided the requirements for each system are met.

(A) The maximum vertical interval between building anchors must be 3 floors or 50 feet (15.3 m), whichever is less.

(B) Building anchors must be located vertically so that attachment of the stabilizer ties will not cause the platform suspension ropes to angulate the platform horizontally across the face of the building. The anchors must be positioned horizontally on the building face so as to be symmetrical about the platform suspension ropes.

(C) Building anchors must be easily visible to employees and must allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval. If more than two suspension ropes are used on a platform, only the two building-side suspension ropes at the platform ends must require a stabilizer attachment.

(D) Building anchors which extend beyond the face of the building must be free of sharp edges or points. Where cables, suspension wire ropes and lifelines may be in contact with the building face, external building anchors must not interfere with their handling or operation.

(E) The intermittent stabilization system building anchors and components must be capable of sustaining without failure at least 4 times the maximum anticipated load applied or transmitted to the components and anchors. The minimum design wind load for each anchor must be 300 (1334 n) pounds, if 2 anchors share the wind load.

(F) The building anchors and stabilizer ties must be capable of sustaining anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on a building face. If the building anchors have different spacing than the suspension wire rope or if the building requires different suspension spacings on one platform, one building anchor and stabilizer tie must be capable of sustaining the wind loads.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(ii) Button guide stabilization system.

(A) Guide buttons must be coordinated with platform mounted equipment of WAC 296-24-88020 (5)(f).

(B) Guide buttons must be located horizontally on the building face so as to allow engagement of each of the guide tracks mounted on the platform.

(C) Guide buttons must be located in vertical rows on the building face for proper engagement of the guide tracks mounted on the platform.

(D) Two guide buttons must engage each guide track at all times except for the initial engagement.

(E) Guide buttons which extend beyond the face of the building must be free of sharp edges or points. Where cables, ropes and lifelines may be in contact with the building face, guide buttons must not interfere with their handling or operation.

(F) Guide buttons, connections and seals must be capable of sustaining without damage at least the weight of the platform, or provision must be made in the guide tracks or guide track connectors to prevent the platform and its attachments from transmitting the weight of the platform to the guide buttons, connections and seals. In either case, the minimum design load must be 300 pounds (1334 n) per building anchor.

Note: See WAC 296-24-88020 (5)(f) for relevant equipment provisions.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(iii) System utilizing angulated roping and building face rollers. The system must keep the equipment in continuous contact with the building facade, and must prevent sudden horizontal movement of the platform. This system is acceptable only where the suspended portion of the equipment in use does not exceed 130 feet (39.6 m) above a safe surface or ground level, and where the platform maintains no less than 10 pounds (44.4 n) angulation force on the building facade.

(d) Tie-in guides for building interiors (atriums) may be eliminated when a registered professional engineer determines that an alternative stabilization system, including systems in (c)(i), (ii), and (iii) of this subsection, or a platform tie-off at each work station will provide equivalent safety.

### (3) Roof guarding.

(a) Employees working on roofs while performing building maintenance must be protected by a perimeter guarding system which meets the requirements of WAC 296-24-75007(1).

(b) The perimeter guard must not be more than 6 inches (152 mm) inboard of the inside face of a barrier, i.e. the parapet wall, or roof edge curb of the building being serviced; however, the perimeter guard location must not exceed an 18 inch (457 mm) setback from the exterior building face.

(4) Equipment stops. Operational areas for trackless type equipment must be provided with structural stops, such as curbs, to prevent equipment from traveling outside its intended travel areas and to prevent a crushing or shearing hazard.

(5) Maintenance access. Means must be provided to traverse all carriages and their suspended equipment to a safe area for maintenance and storage.

### (6) Elevated track.

(a) An elevated track system which is located 4 feet (1.2 m) or more above a safe surface, and traversed by carriage supported equipment, must be provided with a walkway and guardrail system; or

(b) The working platform must be capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel and must be provided with a safe means of access and egress to the lower safe surface.

(7) Tie-down anchors. Imbedded tie-down anchors, fasteners, and affected structures must be resistant to corrosion.

### (8) Cable stabilization.

(a) Hanging lifelines and all cables not in tension must be stabilized at each 200 foot (61 m) interval of vertical travel of the working platform beyond an initial 200 foot (61 m) distance.

(b) Hanging cables, other than suspended wire ropes, which are in constant tension must be stabilized when the vertical travel exceeds an initial 600 foot (183 m) distance, and at further intervals of 600 feet (183 m) or less.

(9) Emergency planning. A written emergency action plan must be developed and implemented for each kind of working platform operation. This plan must explain the emergency procedures which are to be followed in the event of a power failure, equipment failure or other emergencies which may be encountered. The plan must also include that employees be informed about the building emergency escape routes, procedures and alarm systems before operating a platform. Upon initial assignment and whenever the plan is changed the employer must review with each employee those parts of the plan which the employee must know to protect himself or herself in the event of an emergency.

(10) Building maintenance. Repairs or major maintenance of those building portions that provide primary support for the suspended equipment must not affect the capability of the building to meet the requirements of this standard.

(11) Electrical requirements. The following electrical requirements apply to buildings which utilize working platforms for building maintenance.

(a) General building electrical installations must comply with chapter 296-24 WAC Part L, unless otherwise specified in this section;

(b) Building electrical wiring must be of such capacity that when full load is applied to the equipment power circuit not more than a five percent drop from building service vault voltage must occur at any power circuit outlet used by equipment regulated by this section;

(c) The equipment power circuit must be an independent electrical circuit that must remain separate from all other equipment within or on the building, other than power circuits used for hand tools that will be used in conjunction with the equipment. If the building is provided with an emergency power system, the equipment power circuit may also be connected to this system;

(d) The power circuit must be provided with a disconnect switch that can be locked in the "off" and "on" positions. The switch must be conveniently located with respect to the pri-

mary operating area of the equipment to allow the operators of the equipment access to the switch;

(e) The disconnect switch for the power circuit must be locked in the "on" position when the equipment is in use; and

(f) An effective two-way voice communication system must be provided between the equipment operators and persons stationed within the building being serviced. The communications facility must be operable and must be manned at all times by persons stationed within the building whenever the platform is being used.

### NEW SECTION

**WAC 296-24-88020 Powered platform installations—Equipment.** (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations must be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design must provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service must be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and

(d) Equipment that is exposed to wind when in service must be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections must be self-locking or must otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment must be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment must comply with the following:

(i) The horizontal movement of a carriage must be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages must not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface must not require a person to exert a horizontal force greater than 40 pounds (444.8 n);

(iv) Structural stops and curbs must be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage must be of a continuous pressure weatherproof type. Multiple controls when provided must be arranged to permit operation from only one control station at a time. An emergency stop device must be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) must be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages must be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning must not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value must include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation must be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning must be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, must be provided that will prevent unintentional traversing of power-traversed or power assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, must be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage must be provided;

(xi) Safe access to and egress from the carriage must be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage must be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate must be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position must be identified by location markings and/or position indicators; and

(xiii) The motors must stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2).

(ii) Transportable outriggers must be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger must be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage must be designed to

have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform must be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger must be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design must be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger must be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger must be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger must be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope must be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable must be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform must be from a safe surface. Access or egress must not require persons to climb over a building's parapet or guard railing; and

(B) The working platform must be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension must not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) must be provided which meet the requirements of WAC 296-24-88015(2);

(B) Access and egress to and from the working platform must only be from a safe surface below the point of suspension.

(iv) A rotating davit must not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) must be provided with a means for its transport, which must keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit must be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced; and

(C) Means must be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment must be performed only by a hoisting machine.

(b) Each hoisting machine must be capable of arresting any overspeed descent of the load.

(c) Each hoisting machine must be powered only by air, electric or hydraulic sources.

(d) Flammable liquids must not be carried on the working platform.

(e) Each hoisting machine must be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine must be enclosed or guarded in compliance with Part C of chapter 296-24 WAC.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines must be compatible with, and sized for, the wire rope used.

(h) Each winding drum must be provided with a positive means of attaching the wire rope to the drum. The attachment must be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine must be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake must be directly connected to the drive train of the hoisting machine, and must not be connected through belts, chains, clutches, or set screw type devices. The brake must automatically set when power to the prime mover is interrupted.

(ii) The secondary brake must be an automatic emergency type of brake that, if actuated during each stopping cycle, must not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it must stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning must be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, must be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component must be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit must be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit must be capable of remaining continuously stable under all conditions of use and position of the live load, and must maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers must be provided, and must compensate for variations in

building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit must be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-88015 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-88015 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-88015 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-88015 (2)(c)(iii).

(vii) Each working platform of a suspended unit must be provided with a guardrail system on all sides which must meet the following requirements:

(A) The system must consist of a top guardrail, midrail, and a toeboard;

(B) The top guardrail must not be less than 38 inches (950 mm) high and must be able to withstand at least a 200-pound (890 n) force in any downward or outward direction;

(C) The midrail must be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, must be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot (.09 m<sup>2</sup>). The material must have all openings small enough to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards must be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards must be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards must be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards must be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform must be not less than 24 inches (610 mm) wide and must be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring must be of a slip-resistant type and must contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it must be protected by placing a material under the opening which must prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform must be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform must be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform must be of the continuous-pressure type, and must be located on the platform.

(vi) Each operating station of every working platform must be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform must not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions must be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 must be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, must be provided by stairs, ladders, platforms and runways conforming to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC. Access gates must be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface must be provided with a guardrail system or ladder handrails that conform to the provisions of Parts J-1 and J-2 of chapter 296-24 WAC.

(xii) The platform must be provided with a secondary wire rope suspension system if the platform contains overhead structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline must be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device must be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device must be mounted in a secured compartment, and the compartment must be labeled with instructions for use. A means for opening the compartment must be mounted in a break-glass receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection must also apply to a single point working platform.

(ii) Each single point suspended working platform must be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage must be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms must comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building must be disconnected from a ground-rigged working platform, and the platform must be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie must be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and must be resistant to adverse environmental conditions.

(iii) The platform must be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers must not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms must allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length must be maintained at all building anchor locations.

(vi) The platform must be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties must not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes must not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes must be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform must comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform must engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system must be provided with a storage position on the platform.

(iv) Each guide track on the platform must be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks must be mounted on the platform and must provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform must be capable of supporting the weight of the platform, or provision must be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment must maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means must be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes must be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides must be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment must comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation must use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoisting machine used. Connections must be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope must have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and must be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F= Design factor

S= Manufacturer's rated strength of one suspension rope

N= Number of suspension ropes under load

W= Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade must be at least improved plow steel or equivalent.

(d) Suspension wire ropes must be sized to conform with the required design factor, but must not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays must be permitted.

(f) A corrosion-resistant tag must be securely attached to one of the wire rope fastenings when a suspension wire rope

is to be used at a specific location and will remain in that location. This tag must bear the following wire rope data:

- (i) The diameter (inches and/or mm);
- (ii) Construction classification;
- (iii) Whether nonpreformed or preformed;
- (iv) The grade of material;
- (v) The manufacturer's rated strength;
- (vi) The manufacturer's name;
- (vii) The month and year the ropes were installed; and
- (viii) The name of the person or company which installed the ropes.

(g) A new tag must be installed at each rope renewal.

(h) The original tag must be stamped with the date of the resocketing, or the original tag must be retained and a supplemental tag must be provided when ropes are resocketed. The supplemental tag must show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists must contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists must be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment must comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems must be of a type designed for use in exterior locations, and must be located so that they do not come into contact with accumulated snow or water.

(c) Cables must be protected against damage resulting from over-tensioning or from other causes.

(d) Devices must be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system must have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment must have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements must apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contract(s) must be provided and so connected that the operating devices for the suspended or supported equipment must be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection must be provided in the hoisting or suspension system to protect against the equipment operat-

ing in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector must be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch must only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels must be provided.

(h) Emergency stop switches must be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension must have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices must be coordinated with other overload settings at the time of design of the system, and must be clearly indicated on or near the device. The device must interrupt the equipment travel in the "down" direction.

#### NEW SECTION

**WAC 296-24-88025 Maintenance.** (1) General maintenance. All parts of the equipment affecting safe operation must be maintained in proper working order so that they may perform the functions for which they were intended. The equipment must be taken out of service when it is not in proper working order.

(2) Cleaning.

(a) Control or power contactors and relays must be kept clean.

(b) All other parts must be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

(3) Periodic resocketing of wire rope fastenings.

(a) Hoisting ropes utilizing poured socket fastenings must be resocketed at the nondrum ends at intervals not exceeding 24 months. In resocketing the ropes, a sufficient length must be cut from the end of the rope to remove damaged or fatigued portions.

(b) Resocketed ropes must conform to the requirements of WAC 296-24-88020(7).

(c) Limit switches affected by the resocketed ropes must be reset, if necessary.

(4) Periodic reshackling of suspension wire ropes. The hoisting ropes must be reshackled at the nondrum ends at intervals not exceeding 24 months. When reshackling the ropes, a sufficient length must be cut from the end of the rope to remove damaged or fatigued portions.

(5) Roof systems. Roof track systems, tie-downs, or similar equipment must be maintained in proper working order so that they perform the function for which they were intended.

(6) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of a build-

ing must be maintained in proper working order so that they perform the functions for which they were intended. Brackets for cable stabilizers must similarly be maintained in proper working order.

(7) Inoperative safety devices. No person must render a required safety device or electrical protective device inoperative, except as necessary for tests, inspections, and maintenance. Immediately upon completion of such tests, inspections, and maintenance, the device must be restored to its normal operating condition.

#### NEW SECTION

##### **WAC 296-24-88030 Operations.** (1) Training.

(a) Working platforms must be operated only by persons who are proficient in the operation, safe use and inspection of the particular working platform to be operated.

(b) All employees who operate working platforms must be trained in the following:

(i) Recognition of, and preventive measures for, the safety hazards associated with their individual work tasks.

(ii) General recognition and prevention of safety hazards associated with the use of working platforms, including the provisions in the section relating to the particular working platform to be operated.

(iii) Emergency action plan procedures required in WAC 296-24-88015(9).

(iv) Work procedures required in (d) of this subsection.

(v) Personal fall arrest system inspection, care, use and system performance.

(c) Training of employees in the operation and inspection of working platforms must be done by a competent person.

(d) Written work procedures for the operation, safe use and inspection of working platforms must be provided for employee training. Pictorial methods of instruction, may be used, in lieu of written work procedures, if employee communication is improved using this method. The operating manuals supplied by manufacturers for platform system components can serve as the basis for these procedures.

(e) The employer must certify that employees have been trained in operating and inspecting a working platform by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training and the date that training was completed. The certification record must be prepared at the completion of the training required in (b) of this subsection, and must be maintained in a file for the duration of the employee's employment. The certification record must be kept readily available for review by the director or an authorized representative.

(2) Use.

(a) Working platforms must not be loaded in excess of the rated load, as stated on the platform load rating plate.

(b) Employees must be prohibited from working on snow, ice, or other slippery material covering platforms, except for the removal of such materials.

(c) Adequate precautions must be taken to protect the platform, wire ropes and life lines from damage due to acids or other corrosive substances, in accordance with the recom-

mendations of the corrosive substance producer, supplier, platform manufacturer or other equivalent information sources. Platform members which have been exposed to acids or other corrosive substances must be washed down with a neutralizing solution, at a frequency recommended by the corrosive substance producer or supplier.

(d) Platform members, wire ropes and life lines must be protected when using a heat producing process. Wire ropes and life lines which have been contacted by the heat producing process must be considered to be permanently damaged and must not be used.

(e) The platform must not be operated in winds in excess of 25 miles per hour (40.2 km/hr) except to move it from an operating to a storage position. Wind speed must be determined based on the best available information, which includes on-site anemometer readings and local weather forecasts which predict wind velocities for the area.

(f) On exterior installations, an anemometer must be mounted on the platform to provide information of on-site wind velocities prior to and during the use of the platform. The anemometer may be a portable (hand held) unit which is temporarily mounted during platform use.

(g) Tools, materials and debris not related to the work in progress must not be allowed to accumulate on platforms. Stabilizer ties must be located so as to allow unencumbered passage along the full length of the platform and must be of such length so as not to become entangled in rollers, hoists or other machinery.

#### NEW SECTION

##### **WAC 296-24-88035 Personal fall protection.**

Employees on working platforms must be protected by a personal fall arrest system meeting the requirements of Appendix C, Part I, WAC 296-24-88050 of this standard, and as otherwise provided by this standard.

#### NEW SECTION

##### **WAC 296-24-88040 Appendix A—Guidelines (advisory).**

(1) Use of the Appendix. Appendix A provides examples of equipment and methods to assist the employer in meeting the requirements of the indicated provision of the standard. Employers may use other equipment or procedures which conform to the requirements of the standard. This Appendix neither adds to nor detracts from the mandatory requirements set forth in WAC 296-24-880 through 296-24-88055.

(2) Assurance. WAC 296-24-880(3) requires the building owner to inform the employer in writing that the powered platform installation complies with certain requirements of the standard, since the employer may not have the necessary information to make these determinations. The employer, however, remains responsible for meeting these requirements which have not been set off in WAC 296-24-880 (3)(a).

(3) Design requirements. The design requirements for each installation should be based on the limitations (stresses, deflections, etc.), established by nationally recognized standards as promulgated by the following organizations, or to equivalent standards:

- AA—The Aluminum Association, 900 19th Street Northwest, Suite 300, Washington, D.C. 20006  
Aluminum Construction Manual  
Specifications for Aluminum Structures  
Aluminum Standards and Data
- AGMA—American Gear Manufacturers Association, 1500 King Street, Suite 201, Alexandria, VA 22314
- AISC—American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601-2001
- ANSI—American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036
- ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017
- ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017
- ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103-1187
- AWS—American Welding Society, Inc., Box 351040, 550 N.W. LeJeune Road, Miami, FL 33126
- NEMA—National Electric Manufacturers Association, 2101 L Street N.W., Washington, D.C. 20037

(4) Tie-in guides. Indented mullions, T-rails or other equivalent guides are acceptable as tie-in guides in a building face for a continuous stabilization system. Internal guides are embedded in other building members with only the opening exposed (see Figure 1 of Appendix B). External guides, however, are installed external to the other building members and so are fully exposed. The minimum opening for tie-in guides is three-quarters of an inch (19 mm), and the minimum inside dimensions are one-inch (25 mm) deep and two inches (50 mm) wide.

Employers should be aware of the hazards associated with tie-in guides in a continuous stabilization system which was not designed properly. For example, joints in these track systems may become extended or discontinuous due to installation or building settlement. If this alignment problem is not corrected, the system could jam when a guide roller or guide shoe strikes a joint and this would cause a hazardous situation for employees. In another instance, faulty design will result in guide rollers being mounted in a line so they will jam in the track at the slightest misalignment.

(5) Building anchors (intermittent stabilization system). In the selection of the vertical distance between building anchors, certain factors should be given consideration. These factors include building height and architectural design, platform length and weight, wire rope angulation, and the wind velocities in the building area. Another factor to consider is the material of the building face, since this material may be adversely affected by the building rollers.

External or indented type building anchors are acceptable. Receptacles in the building facade used for the indented type should be kept clear of extraneous materials which will hinder their use. During the inspection of the platform installation, evidence of a failure or abuse of the anchors should be brought to the attention of the employer.

(6) Stabilizer tie length. A stabilizer tie should be long enough to provide for the planned angulation of the suspension cables. However, the length of the tie should not be excessive and become a problem by possibly becoming entangled in the building face rollers or parts of the platform machinery.

The attachment length may vary due to material elongation and this should be considered when selecting the material to be used. Consideration should also be given to the use of ties which are easily installed by employees, since this will encourage their use.

(7) Intermittent stabilization system. Intermittent stabilization systems may use different equipment, tie-in devices and methods to restrict the horizontal movement of a powered platform with respect to the face of the building. One acceptable method employs corrosion-resistant building anchors secured in the face of the building in vertical rows every third floor or 50 feet (15.3 m), whichever is less. The anchors are spaced horizontally to allow a stabilization attachment (stabilizer tie) for each of the two platform suspension wire ropes. The stabilizer tie consists of two parts. One part is a quick connect-quick disconnect device which utilizes a corrosion-resistant yoke and retainer spring that is designed to fit over the building anchors. The second part of the stabilizer tie is a lanyard which is used to maintain a fixed distance between the suspension wire rope and the face of the building.

In this method, as the suspended powered platform descends past the elevation of each anchor, the descent is halted and each of the platform occupants secures a stabilizer tie between a suspension wire rope and a building anchor. The procedure is repeated as each elevation of a building anchor is reached during the descent of the powered platform.

As the platform ascends, the procedure is reversed; that is, the stabilizer ties are removed as each elevation of a building anchor is reached. The removal of each stabilizer tie is assured since the platform is provided with stopping devices which will interrupt power to its hoist(s) in the event either stopping device contacts a stabilizer during the ascent of the platform.

Figure 2 of Appendix B illustrates another type of acceptable intermittent stabilization system which utilizes retaining pins as the quick connect-quick disconnect device in the stabilizer tie.

(8) Wire rope inspection. The inspection of the suspension wire rope is important since the rope gradually loses strength during its useful life. The purpose of the inspection is to determine whether the wire rope has sufficient integrity to support a platform with the required design factor.

If there is any doubt concerning the condition of a wire rope or its ability to perform the required work, the rope should be replaced. The cost of wire rope replacement is quite small if compared to the cost in terms of human injuries, equipment down time and replacement.

No listing of critical inspection factors, which serve as a basis for wire rope replacement in the standard, can be a substitute for an experienced inspector of wire rope. The listing serves as a user's guide to the accepted standards by which ropes must be judged.

Rope life can be prolonged if preventive maintenance is performed regularly. Cutting off an appropriate length of rope at the end termination before the core degrades and valley brakes appear minimizes degradation at these sections.

(9) General maintenance. In meeting the general maintenance requirement in WAC 296-24-88025(1), the employer should undertake the prompt replacement of broken, worn and damaged parts, switch contacts, brushes, and short flexible conductors of electrical devices. The components of the electrical service system and traveling cables should be replaced when damaged or significantly abraded. In addition, gears, shafts, bearings, brakes and hoisting drums should be kept in proper alignment.

(10) Training. In meeting the training requirement of WAC 296-24-88030(1), employers should use both on the job training and formal classroom training. The written work procedures used for this training should be obtained from the manufacturer, if possible, or prepared as necessary for the employee's information and use.

Employees who will operate powered platforms with intermittent stabilization systems should receive instruction in the specific ascent and descent procedures involving the assembly and disassembly of the stabilizer ties.

An acceptable training program should also include employee instruction in basic inspection procedures for the purpose of determining the need for repair and replacement of platform equipment. In addition, the program should cover the inspection, care and use of the personal fall protection equipment required in Appendix C, Part I, subsections (5) and (6).

In addition, the training program should also include emergency action plan elements. OSHA brochure #3088 (Rev.) 1985, "How to Prepare for Workplace Emergencies," details the basic steps needed to prepare to handle emergencies in the workplace.

Following the completion of a training program, the employee should be required to demonstrate competency in operating the equipment safely. Supplemental training of the employee should be provided by the employer, as necessary, if the equipment used or other working conditions should change.

An employee who is required to work with chemical products on a platform should receive training in proper cleaning procedures, and in the hazards, care and handling of these products. In addition, the employee should be supplied with the appropriate personal protective equipment, such as gloves and eye and face protection.

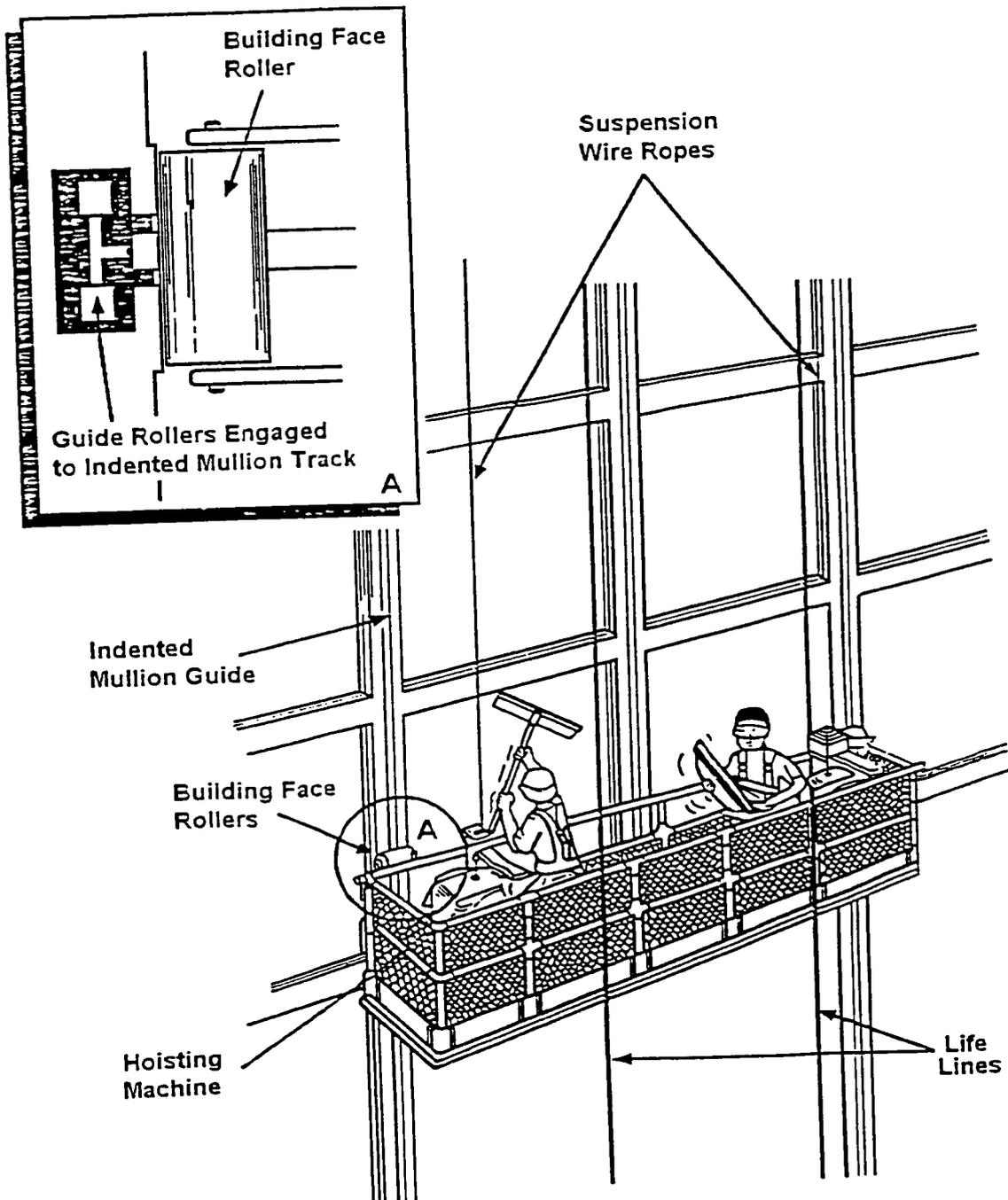
(11) Suspension and securing of powered platforms (equivalency). One acceptable method of demonstrating the equivalency of a method of suspending or securing a powered platform, as required in WAC 296-24-88015 (2)(c), 296-24-88020 (3) and (5)(a)(vi), is to provide an engineering analysis by a registered professional engineer. The analysis should demonstrate that the proposed method will provide an equal or greater degree of safety for employees than any one of the methods specified in the standard.

**NEW SECTION**

**WAC 296-24-88045 Appendix B—Exhibits (advisory).**

The three drawings in Appendix B illustrate typical platform stabilization systems which are addressed in the standard. The drawings are to be used for reference purposes only, and do not illustrate all the mandatory requirements for each system.

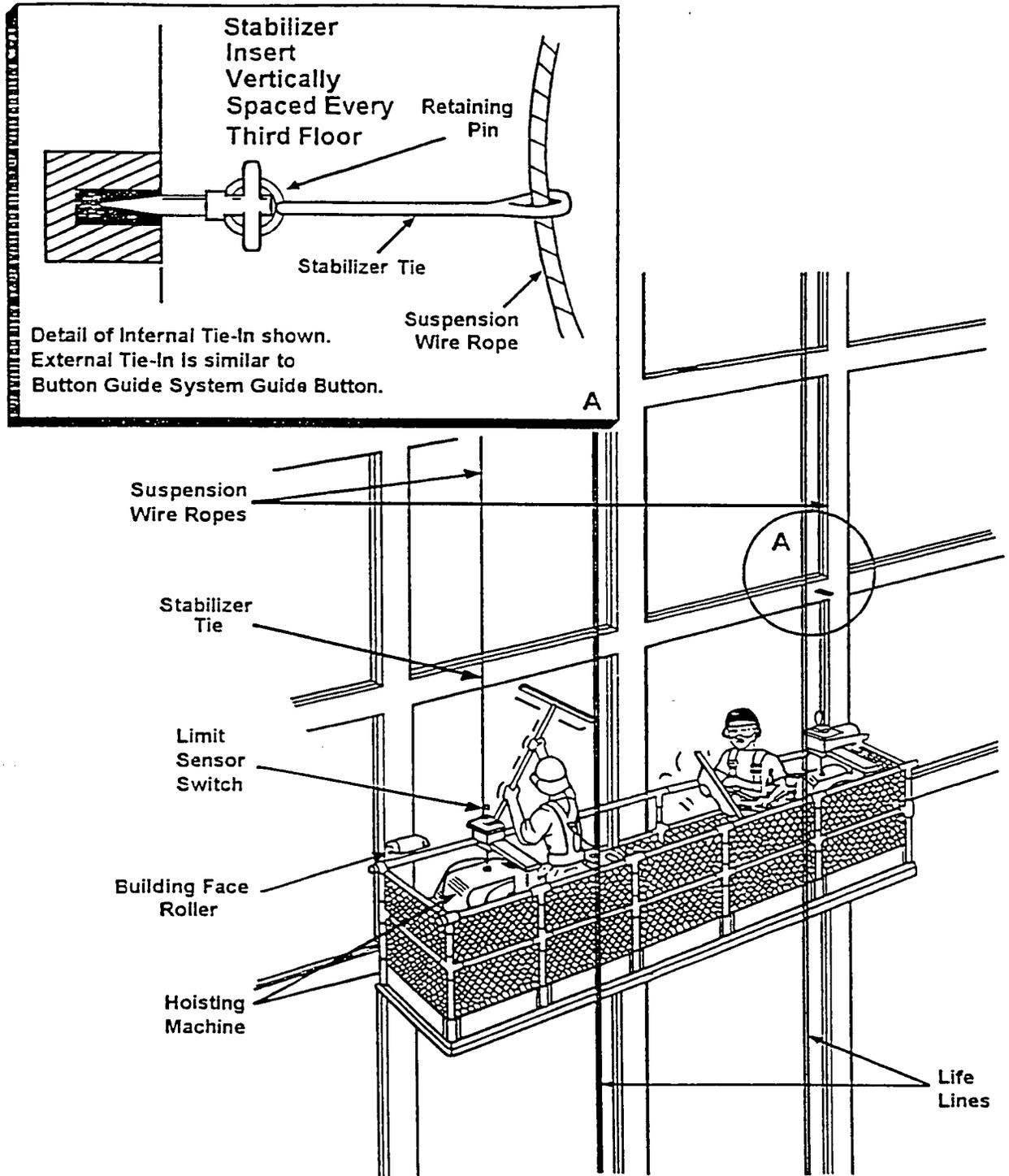
**FIGURE 1**  
**Typical Self-Powered Platform –**  
**Continuous External or Indented Mullion Guide System**



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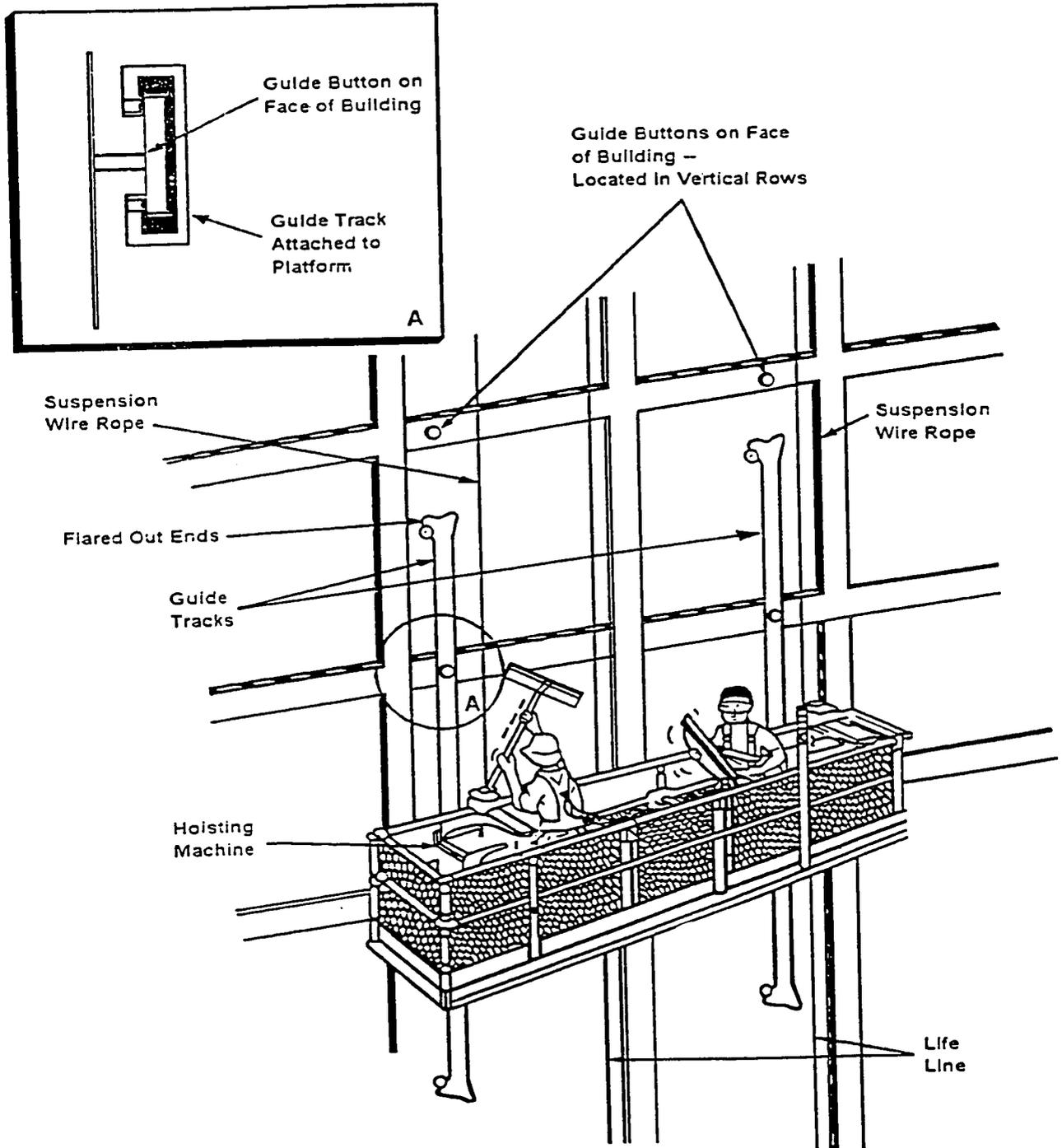
Figure 2. Typical Self-Powered Platform--  
Intermittent Tie-in System



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FIGURE 3  
Typical Self-Powered Platform—  
Button Guide System



PERMANENT

NEW SECTION**WAC 296-24-88050 Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory).** (1) Use of the Appendix.

Part I of Appendix C sets out the mandatory criteria for personal fall arrest systems used by all employees using powered platforms. Part II sets out nonmandatory test procedures which may be used to determine compliance with applicable requirements contained in Part I of this Appendix. Part III provides nonmandatory guidelines which are intended to assist employers in complying with these provisions.

**PART I**

Personal fall arrest systems (mandatory)—(1) Scope and application. This section establishes the application of and performance criteria for personal fall arrest systems which are required for use by all employees using powered platforms under WAC 296-24-88035.

## (2) Definitions.

Anchorage means a secure point of attachment for lifelines, lanyards, or deceleration devices which is capable of withstanding the forces specified in the applicable sections of chapter 296-24 WAC, and independent of the means of supporting or suspending the employee.

Buckle means any device for holding the body harness closed around the employee's body.

Competent person means an individual knowledgeable of fall protection equipment, including the manufacturers recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

Connector means a device which is used to couple (connect) parts of the personal fall arrest system and positioning device systems together. It may be an independent component of the system, such as a carabiner, or it may be an integral component of part of the system (such as a buckle or deering sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

Deceleration device means any mechanism, such as a rope grab, ripstitch lanyard, specially woven lanyard, tearing or deforming lanyards, automatic self retracting-lifeline/lanyard, etc., which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy imposed on an employee during fall arrest.

Deceleration distance means the additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's full body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

Equivalent means alternative designs, materials or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

Free fall means the act of falling before a personal fall arrest system begins to apply force to arrest the fall.

Free fall distance means the vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, and lifeline lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

Full body harness means a configuration of connected straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration device.

Lanyard means a flexible line of webbing, rope, or cable used to secure a body belt or harness to a lifeline or an anchorage point usually 2, 4, or 6 feet long.

Lifeline means a vertical line from a fixed anchorage or between two horizontal anchorages, independent of walking or working surfaces, to which a lanyard or device is secured. Lifeline as referred to in this text is one which is part of a fall protection system used as back-up safety for an elevated worker.

Personal fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

Qualified means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project.

Rope grab means a fall arrester that is designed to move up or down a lifeline suspended from a fixed overhead or horizontal anchorage point, or lifeline, to which the belt or harness is attached. In the event of a fall, the rope grab locks onto the lifeline rope through compression to arrest the fall. The use of a rope grab device is restricted for all restraint applications.

Self-retracting lifeline/lanyard means a deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which after onset of a fall, automatically locks the drum and arrests the fall.

Snap-hook means a self-closing connecting device with a gatekeeper latch or similar arrangement that will remain closed until manually opened. This includes single action snap hooks that open when the gatekeeper is depressed and double action snap hooks that require a second action on a gatekeeper before the gate can be opened.

Tie-off means the act of an employee, wearing personal fall protection equipment, connecting directly or indirectly to

an anchorage. It also means the condition of an employee being connected to an anchorage.

(3) Design for system components.

(a) Connectors must be drop forged, pressed or formed steel, or made of equivalent materials.

(b) Connectors must have a corrosion-resistant finish, and all surfaces and edges must be smooth to prevent damage to interfacing parts of the system.

(c) Lanyards and vertical lifelines which tie-off one employee must have a minimum breaking strength of 5,000 pounds (22.2 kN).

(d) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less must have components capable of sustaining a minimum static tensile load of 3,000 pounds (13.3 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(e) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards must be capable of sustaining a minimum tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(f) Dee-rings and snap-hooks must be capable of sustaining a minimum tensile load of 5000 pounds (22.2 N).

(g) Dee-rings and snap-hooks must be 100 percent proof-tested to a minimum tensile load of 3600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(h) Snap-hooks must be sized to be compatible with the member to which they are connected so as to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or must be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member.

(i) Horizontal lifelines, where used, must be designed, and installed as part of a complete personal fall arrest system, which maintains a safety factor of at least 2, under the supervision of a qualified person.

(j) Anchorages to which personal fall arrest equipment is attached must be capable of supporting at least 5,000 pounds (22.2 kN) per employee attached, or must be designed, installed, and used as part of a complete personal fall arrest system which maintains a safety factor of at least two, under the supervision of a qualified person.

(k) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body harnesses, must be made from synthetic fibers or wire rope.

(4) System performance criteria.

(a) Personal fall arrest systems must, when stopping a fall:

(i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;

(ii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Must have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(b)(i) When used by employees having a combined person and tool weight of less than 310 pounds (140 kg), personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) in Part II of this Appendix must be considered as complying with the provisions of (a) of this subsection.

(ii) When used by employees having a combined tool and body weight of 310 pounds (140 kg) or more, personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) of Part II may be considered as complying with the provisions of (a) of this subsection provided that the criteria and protocols are modified appropriately to provide proper protection for such heavier weights.

(5) Care and use.

(a) Snap-hooks, unless of a locking type designed and used to prevent disengagement from the following connections, must not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that the connected object could depress the snap-hook keeper a sufficient amount to release itself.

(b) Devices used to connect to a horizontal lifeline which may become a vertical lifeline must be capable of locking in either direction on the lifeline.

(c) Personal fall arrest systems must be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level.

(d) The attachment point of the body harness must be located in the center of the wearer's back near shoulder level, or above the wearer's head.

(e) When vertical lifelines are used, each employee must be provided with a separate lifeline.

(f) Personal fall arrest systems or components must be used only for employee fall protection.

(g) Personal fall arrest systems or components subjected to impact loading must be immediately removed from service and must not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(h) The employer must provide for prompt rescue of employees in the event of a fall or must assure the self-rescue capability of employees.

(i) Before using a personal fall arrest system, and after any component or system is changed, employees must be trained in accordance with the requirements of WAC 296-24-88030(1), in the safe use of the system.

(6) Inspections. Personal fall arrest systems must be inspected prior to each use for mildew, wear, damage and other deterioration, and defective components must be removed from service if their strength or function may be adversely affected.

## PART II

Test methods for personal fall arrest systems  
(nonmandatory)

(1) General. Subsections (2), (3), (4) and (5) of this Part II set forth test procedures which may be used to determine compliance with the requirements in subsection (4) of Part I of this Appendix.

(2) General conditions for all tests in Part II.

(a) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.

(b) The anchorage should be rigid, and should not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(c) The frequency response of the load measuring instrumentation should be 120 Hz.

(d) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(e) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.

(f) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.

(g) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.

(h) Following the test, the system need not be capable of further operation.

(3) Strength test.

(a) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subsection (2)(d) of this part.)

(b) The test consists of dropping the test weight once. A new unused system should be used for each test.

(c) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body belt or body harness.

(d) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).

(e) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of one foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the body harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (46 cm) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a nonelastic wire lanyard of sufficient length may need to be

added to the system (for test purposes) to create the necessary free fall distance.

(f) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).

(g) Any weight which detaches from the harness should constitute failure for the strength test.

(4) Force test.

(a) General. The test consists of dropping the respective test weight specified in (b)(i) or (c)(i) of this subsection once. A new, unused system should be used for each test.

(b) For lanyard systems.

(i) A test weight of 220 pounds plus or minus three pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) Lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.

(iii) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

(c) For all other systems.

(i) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:

(A) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the body harness).

(B) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).

(d) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.

(e) The maximum elongation and deceleration distance should be recorded during the force test.

(5) Deceleration device tests.

(a) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.

(b) Rope-grab-type deceleration devices.

(i) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than one foot (30.5 cm), and the mechanism should lock each time.

(ii) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.

(c) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

### PART III

Additional nonmandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.

(1) Selection and use considerations. The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse effect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.

Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.

(2) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. Part II of this Appendix C contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.

(3) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are interchangeable. For instance, a lanyard should not be connected between a body harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not

designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a competent person to determine that it meets the standard, before the modified system is put in use.

(4) Employee training considerations. Thorough employee training in the selection and use of personal fall arrest systems is imperative. As stated in the standard, before the equipment is used, employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.

(5) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:

- (a) The force measured during the sample force test;
  - (b) The maximum elongation measured for lanyards during the force test;
  - (c) The deceleration distance measured for deceleration devices during the force test;
  - (d) Caution statements on critical use limitations;
  - (e) Application limits;
  - (f) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the body harness for fall arrest;
  - (g) Proper climbing techniques;
  - (h) Methods of inspection, use, cleaning, and storage;
- and

(i) Specific lifelines which may be used. This information should be provided to employees during training.

(6) Inspection considerations. As stated in WAC 296-24-88050(6), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; non-functioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

(7) Rescue considerations. As required by WAC 296-24-88050 (5)(h) when personal fall arrest systems are used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which

allows employees to rescue themselves after the fall has been arrested may be desirable, such as devices which have descent capability.

(8) Tie-off considerations.

(a) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these anchorage points may be used during construction, as well as afterwards.

(b) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not significantly reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.

(c) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.

(d) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.

(e) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/dee-ring connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.

(f) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag, and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during arrest of the fall may cause other employees to also fall. Horizontal lifeline

and anchorage strength should be increased for each additional employee to be tied-off. For these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(g) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

(h) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable), may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.

(9) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.

(10) Snap-hook considerations.

(a) Required by this standard for all connections, locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.

(b) As required by the standard WAC 296-24-88050 (5)(a) the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:

- Direct connection of a snap-hook to a horizontal lifeline.
- Two (or more) snap-hooks connected to one dee-ring.
- Two snap-hooks connected to each other.
- A snap-hook connected back on its integral lanyard.
- A snap-hook connected to a webbing loop or webbing lanyard.
- Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.

(11) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8

m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment to harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard).) Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6 foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the body harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.

(12) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be allowed below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.

(13) Obstruction considerations. The location of the tie-off should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered.

(14) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. Also, if self-retracting equipment is connected to a horizontal lifeline, the sag in the lifeline should be minimized to prevent the device from sliding down the lifeline to a position which creates a swing hazard during fall arrest. In all cases, manufacturer's instructions should be followed.

## NEW SECTION

**WAC 296-24-88055 Appendix D—Existing installations (mandatory).** (1) Use of the appendix.

Appendix D sets out the mandatory building and equipment requirements for applicable permanent installations

completed after August 27, 1971, and no later than July 23, 1990 which are exempt from WAC 296-24-880 through 296-24-88020.

Note: All existing installations subject to this Appendix must also comply with WAC 296-24-88010, 296-24-88025, 296-24-88030, 296-24-88035, and Appendix C.

(2) Definitions applicable to this Appendix.

**Angulated roping.** A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

**ANSI.** American National Standards Institute.

**Babbitted fastenings.** The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

**Brake—disc type.** A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

**Brake—self-energizing band type.** An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

**Brake—shoe type.** A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

**Building face rollers.** A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

**Continuous pressure.** Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

**Control.** A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

**Controller.** A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

**Electrical ground.** A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

**Guide roller.** A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

**Guide shoe.** An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

**Interlock.** A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

**Operating device.** A pushbutton, lever, or other manual device used to actuate a control.

**Powered platform.** Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

**Rated load.** The combined weight of employees, tools, equipment, and other material which the working platform is designed and installed to lift.

**Relay, direction.** An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

**Relay, potential for vertical travel.** An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition, "relay, direction."

**Roof car.** A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

**Roof-powered platform.** A powered platform having the raising and lowering mechanism located on a roof car.

**Self-powered platform.** A powered platform having the raising and lowering mechanism located on the working platform.

**Traveling cable.** A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

**Weatherproof.** Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

**Working platform.** The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

**Yield point.** The stress at which the material exhibits a permanent set of 0.2 percent.

**Zinc fastenings.** The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

(3) General requirements.

(a) Design requirements. All powered platform installations for exterior building maintenance completed as of August 27, 1971, but no later than January 25, 1990, must meet all of the design, construction and installation requirements of Part II and III of the "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance ANSI A120.1-1970" and of this Appendix. References must be made to appropriate parts of ANSI A120.1-1970 for detail specifications for equipment and special installations.

(b) Limitation. The requirements of this Appendix apply only to electric-powered platforms. It is not the intent of this appendix to prohibit the use of other types of power. Installation of powered platforms using other types of power is permitted, provided such platforms have adequate protective devices for the type of power used, and otherwise provide for reasonable safety of life and limb to users of equipment and to others who may be exposed.

(c) Types of powered platforms.

(i) For the purpose of applying this appendix, powered platforms are divided into two basic types, Type F and Type T.

(ii) Powered platforms designated as Type F must meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance. A basic requirement of Type F equipment is that the work platform is suspended by at least 4 wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform. Another basic requirement of Type F equipment is that only one layer of hoisting rope is permitted on winding drums. Type F powered platforms may be either roof-powered or self-powered.

(iii) Powered platforms designated as Type T must meet all the requirements in Part III of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, except for section 28, Safety Belts and Life Lines. A basic requirement of Type T equipment is that the working platform is suspended by at least 2 wire ropes. Failure of one wire rope would not permit the working platform to fall to the ground, but would upset its normal position. Type T powered platforms may be either roof-powered or self-powered.

(iv) The requirements of this section apply to powered platforms with winding drum type hoisting machines. It is not the intent of this section to prohibit powered platforms using other types of hoisting machines such as, but not limited to, traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines. Installation of powered platforms with other types of hoisting machines is permitted, provided adequate protective devices are used, and provided reasonable safety of life and limb to users of the equipment and to others who may be exposed is assured.

(v) Both Type F and Type T powered platforms must comply with the requirements of Appendix C of this standard.

(4) Type F powered platforms.

(a) Roof car, general.

(i) A roof car must be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(ii) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(b) Movement and positioning of roof car.

(i) Provision must be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(ii) The horizontal motion of the roof cars must be positively controlled so as to insure proper movement and positioning of the roof car.

(iii) Roof car positioning devices must be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(iv) Mechanical stops must be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops must be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(v) The operating device of a power-operated roof car for traversing must be located on the roof car, the working platform, or both, and must be of the continuous pressure weather-proof electric type. If more than one operating device is provided, they must be so arranged that traversing is possible only from one operating device at a time.

(vi) The operating device must be so connected that it is not operable until:

(A) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(B) All protective devices and interlocks are in a position for traversing.

(c) Roof car stability. Roof car stability must be determined by either items (i) or (ii), whichever is greater.

(i) The roof car must be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(ii) The roof car and its anchorages must be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value must include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load must be included, and the design stresses must not exceed those referred to in subsection (3)(a) of this Appendix.

(iii) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load the motor must stall.

(d) Access to the roof car. Safe access to the roof car and from the roof car to the working platform must be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates must be provided. Applicable provisions WAC 296-24-735 through 296-24-810 must apply.

(e) Means for maintenance, repair, and storage. Means must be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions must be made to secure the machine in the stored position. For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5.1.1 of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(f) General requirements for working platforms. The working platform must be of girder or truss construction and must be adequate to support its rated load under any position of loading, and comply with the provisions set forth in section 10 of ANSI A120.1-1970, American National Standard

Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(g) Load rating plate. Each working platform must bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates must be made of noncorrosive material and must have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures must be one-fourth inch.

(h) Minimum size. The working platform must have a minimum net width of 24 inches.

(i) Guardrails. Working platforms must be furnished with permanent guard rails not less than 38 inches high, and not more than 45 inches high at the front (building side). At the rear, and on the sides, the rail must not be less than 45 inches high. An intermediate guardrail must be provided around the entire platform between the top guardrail and the toeboard. The top rail must withstand a minimum of 200 pounds pressure.

(j) Toeboards. A four-inch toeboard must be provided along all sides of the working platform.

(k) Open spaces between guardrails and toeboards. The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, must be filled with metallic mesh or similar material that will reject a ball one inch in diameter. The installed mesh must be capable of withstanding a load of 100 pounds applied horizontally over any area of 144 square inches. If the space between the platform and the building face does not exceed eight inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(l) Flooring. The platform flooring must be of the non-skid type, and if of open construction, must reject a 9/16-inch diameter ball, or be provided with a screen below the floor to reject a 9/16-inch diameter ball.

(m) Access gates. Where access gates are provided, they must be self-closing and self-locking.

(n) Operating device for vertical movement of the working platform.

(i) The normal operating device for the working platform must be located on the working platform and must be of the continuous pressure weatherproof electric type.

(ii) The operating device must be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service and, the roof car, if provided, is at an established operating point.

(o) Emergency electric operative device.

(i) In addition, on roof-powered platforms, an emergency electric operating device must be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device must be mounted in a locked compartment and must have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

(ii) A key for unlocking the compartment housing the emergency operating device must be mounted in a break-glass receptacle located near the emergency operating device.

(p) Manual cranking for emergency operation. Emergency operation of the main drive machine may be provided to allow manual cranking. This provision for manual operation must be designed so that not more than two persons will be required to perform this operation. The access to this provision must include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design must be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(q) Arrangement and guarding of hoisting equipment.

(i) Hoisting equipment must consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(ii) The hoisting equipment must be power-operated in both up and down directions.

(iii) Guard or other protective devices must be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(iv) Friction devices or clutches must not be used for connecting the main driving mechanism to the drum or drums. Belt or chain-driven machines are prohibited.

(r) Hoisting motors.

(i) Hoisting motors must be electric and of weather-proof construction.

(ii) Hoisting motors must be in conformance with applicable provisions of subdivision (v) of this subsection, Electric Wiring and Equipment.

(iii) Hoisting motors must be directly connected to the hoisting machinery. Motor couplings, if used, must be of steel construction.

(s) Brakes. The hoisting machine(s) must have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(t) Hoisting ropes and rope connections.

(i) Working platforms must be suspended by wire ropes of either 6 x 19 or 6 x 37 classification, preformed or nonpreformed.

(ii) (Reserved)

(iii) The minimum factor of safety must be 10, and must be calculated by the following formula:

$$F = S \times N / W$$

Where

S= Manufacturer's rated breaking strength of one rope.

N= Number of ropes under load.

W= Maximum static load on all ropes with the platform and its rated load at any point of its travel.

(iv) Hoisting ropes must be sized to conform with the required factor of safety, but in no case must the size be less than 5/16 inch diameter.

(v) Winding drums must have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

(vi) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

(vii) The nondrum ends of the hoisting ropes must be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

(viii) More than two reverse bends in each rope is prohibited.

(u) Rope tag data. A metal data tag must be securely attached to one of the wire rope fastenings. This data tag must bear the following wire rope data:

(i) The diameter in inches.

(ii) Construction classification.

(iii) Whether nonpreformed or preformed.

(iv) The grade of material used.

(v) The manufacturer's rated breaking strength.

(vi) Name of the manufacturer of the rope.

(vii) The month and year the ropes were installed.

(v) Electrical wiring and equipment.

(i) All electrical equipment and wiring must conform to the requirements of the National Electrical Code, NFPA 70-1987; ANSI C1-1987, except as modified by ANSI A120.1-1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1-1970.

(ii) All motors and operation and control equipment must be supplied from a single power source.

(iii) The power supply for the powered platform must be an independent circuit supplied through a fused disconnect switch.

(iv) Electrical conductor parts of the power supply system must be protected against accidental contact.

(v) Electrical grounding must be provided.

(A) Provisions for electrical grounding must be included with the power-supply system.

(B) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track system, and noncurrent carrying parts of electrical equipment, where provided, must be grounded.

(C) The controller, where used, must be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(D) Means must be provided on the roof car and working platform for grounding portable electric tools.

(E) The working platform must be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform must be grounded.

(vi) Electrical receptacles located on the roof or other exterior location must be of a weatherproof type and must be located so as not to be subject to contact with water or accumulated snow. The receptacles must be grounded and the electric cable must include a grounding conductor. The receptacle and plug must be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision must be made to prevent application of cable strain directly to the plug and receptacle.

(vii) Electric runway conductor systems must be of the type designed for use in exterior locations and must be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting

means must conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987; ANSI C1-1987. A grounded conductor must parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system must be designed to avoid hazard to persons in the area.

(viii) Electrical protective devices and interlocks of the weatherproof type must be provided.

(ix) Where the installation includes a roof car, electric contact(s) must be provided and so connected that the operating devices for the working platform must be operative only when the roof car is located and mechanically retained at an established operating point.

(x) Where the powered platform includes a power-operated roof car, the operating device for the roof car must be inoperative when the roof car is mechanically retained at an established operating point.

(xi) An electric contact must be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(xii) An automatic overload device must be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the up direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(xiii) An automatic device must be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(xiv) Upper and lower directional limit devices must be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(xv) Operation of a directional limit device must prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(xvi) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, must incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(xvii) Final terminal stopping devices of the working platform:

(A) Final terminal stopping devices for the working platform must be provided as a secondary means of preventing the working platform from over-traveling at the terminals.

(B) The device must be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(C) Operation of the final terminal stopping device must open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(D) The final terminal stopping device for the upper limit of travel must be mounted so that it is operated directly by the motion of the working platform itself.

(xviii) Emergency stop switches must be provided in or adjacent to each operating device.

(xix) Emergency stop switches must:

(A) Have red operating buttons or handles.

(B) Be conspicuously and permanently marked "Stop."

(C) Be the manually opened and manually closed type.

(D) Be positively opened with the opening not solely dependent on springs.

(xx) The manual operation of an emergency stop switch associated with an operating device for the working platform must open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(xxi) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car must cause the electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(w) Requirements for emergency communications.

(i) Communication equipment must be provided for each powered platform for use in an emergency.

(ii) Two-way communication must be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(iii) The equipment must permit two-way voice communication between the working platform; and

(A) Designated personnel continuously available while the powered platform is in use; and

(B) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(iv) The emergency communication equipment must be one of the following types:

(A) Telephone connected to the central telephone exchange system; or

(B) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

(5) Type T powered platforms.

(a) Roof car. The requirements of subsection (4)(a) through (4)(e) of this Appendix must apply to Type T powered platforms.

(b) Working platform. The requirements of subsection (4)(f) through (4)(p) of this Appendix apply to Type T powered platforms.

(i) The working platform must be suspended by at least two wire ropes.

(ii) The maximum rated speed at which the working platform of self-powered platforms may be moved in a vertical direction must not exceed 35 feet per minute.

(c) Hoisting equipment. The requirements of subsection (4)(q) and (r) of this Appendix must apply to Type T powered platforms.

(d) Brakes. Brakes requirements of subsection (4)(s) of this Appendix must apply.

(e) Hoisting ropes and rope connections.

(i) Subsection (4)(t)(i) through (vi) and (viii) of this Appendix must apply to Type T powered platforms.

(ii) Adjustable shackle rods in subsection (4)(t)(vii) of this Appendix must apply to Type T powered platforms, if the working platform is suspended by more than two wire ropes.

(f) Electrical wiring and equipment.

(i) The requirements of subsection (4)(v)(i) through (vi) of this Appendix must apply to Type T powered platforms. "Circuit protection limitation," "powered platform electrical service system," all operating services and control equipment must comply with the specifications contained in Part 2, section 26, ANSI A120.1-1970.

(ii) For electrical protective devices the requirements of subsection (4)(v)(i) through (viii) of this Appendix must apply to Type T powered platforms. Requirements for the "circuit potential limitation" must be in accordance with specifications contained in Part 2, section 26, of ANSI A120.1-1970.

(g) Emergency communications. All the requirements of subsection (4)(w) of this Appendix must apply to Type T powered platforms.

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-90001 Definitions.** ~~((1))~~ Handhold (handgrip). A handhold is a device attached to the belt which can be grasped by the passenger to provide a means of maintaining balance.

~~((2))~~ Open type. One which has a handgrip surface fully exposed and capable of being encircled by the passenger's fingers.

~~((3))~~ Closed type. A cup-shaped device, open at the top in the direction of travel of the step for which it is to be used, and closed at the bottom into which the passenger may place fingers.

~~((4))~~ Limit switch. A device, the purpose of which is to cut off the power to the motor and apply the brakes to stop the carrier in the event that a loaded step passes the terminal landing.

~~((5))~~ Manlift. A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

~~((6))~~ Rated speed. Rated speed is the speed for which the device is designed and installed.

~~((7))~~ Split-rail switch. An electric limit switch operated mechanically by the rollers on the manlift steps. It consists of an additional hinged or "split" rail, mounted on the regular guiderail, over which the step rollers pass. It is spring-loaded in the "split" position. If the step supports no load, the rollers will "bump" over the switch; if a loaded step should pass over the section, the split rail will be forced straight, tripping the switch and opening the electrical circuit.

~~((8))~~ Step (platform). A step is a passenger carrying unit.

~~((9))~~ Travel. The travel is the distance between the centers of the top and bottom pulleys.

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-24-90003 General requirements.** (1) Application. These standards apply to the construction, maintenance, inspection, and operation of manlifts in relation to accident causing hazards. Manlifts covered by these standards consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that these standards cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. These standards apply to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) Exceptions for new and existing equipment. The purpose of these standards is to provide reasonable safety for life and limb.

(3) Design requirements. All new manlift installations and equipment installed after the effective date of these standards ~~((shall))~~ **must** meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1-1969," and the requirements of this section.

(4) Reference to other codes. The following codes are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1-1953 (R 1958) and chapter 296-24 WAC Part C; chapter 296-24 WAC Part L; Safety Code for Fixed Ladders, ANSI A14.3-1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and chapter 296-24 WAC Parts J-1 and J-2.

(5) Floor openings.

(a) Allowable size. Floor openings for both the "up" and "down" runs ~~((shall))~~ **must** be not less than 28 inches nor more than 36 inches in width for a 12-inch belt not less than 34 inches nor more than 38 inches for a 14-inch belt; and not less than 36 inches nor more than 40 inches for a 16-inch belt and ~~((shall))~~ **must** extend not less than 24 inches, nor more than 28 inches from the face of the belt.

(b) Uniformity. All floor openings for a given manlift ~~((shall))~~ **must** be uniform in size and ~~((shall))~~ **must** be approximately circular, and each ~~((shall))~~ **must** be located vertically above the opening below it.

(6) Landing.

(a) Vertical clearance. The clearance between the floor or mounting platform and the lower edge for the conical guard above it required by WAC 296-24-90003(7) ~~((shall))~~ **must** not be less than 7 feet 6 inches. Where this clearance cannot be obtained no access to the manlift ~~((shall))~~ **must** be provided and the manlift runway ~~((shall))~~ **must** be enclosed where it passes through such floor.

(b) Clear landing space. The landing space adjacent to the floor openings ~~((shall))~~ **must** be free from obstruction and kept clear at all times. This landing space ~~((shall))~~ **must** be at least 2 feet in width from the edge of the floor opening used for mounting and dismounting.

(c) Lighting and landing. Adequate lighting not less than 5-foot candles, ((~~shall~~)) must be provided at each floor landing at all times when the lift is in operation.

(d) Landing surface. The landing surfaces at the entrances and exits to the manlift ((~~shall~~)) must be constructed and maintained as to provide safe footing at all times.

(e) Emergency landings. Where there is a travel of 50 feet or more between floor landings, one or more emergency landings ((~~shall~~)) must be provided so that there will be a landing (either floor or emergency) for every 25 feet or less of manlift travel.

(i) Emergency landings ((~~shall~~)) must be accessible from both the "up" and "down" rungs of the manlift and ((~~shall~~)) must give access to the ladder required in WAC 296-24-90003(12).

(ii) Emergency landings ((~~shall~~)) must be completely enclosed with a standard railing and toeboard.

(iii) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and ((~~shall~~)) must be provided with standard railings and toeboards.

(7) Guards on underside of floor openings.

(a) Fixed type. On the ascending side of the manlift floor openings ((~~shall~~)) must be provided with a bevel guard or cone meeting the following requirements:

(i) The cone ((~~shall~~)) must make an angle of not less than 45° with the horizontal. An angle of 60° or greater ((~~shall~~)) must be used where ceiling heights permit.

(ii) The lower edge of this guard ((~~shall~~)) must extend at least 42 inches outward from any handhold on the belt. It ((~~shall~~)) must not extend beyond the upper surface of the floor above.

(iii) The cone ((~~shall~~)) must be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge ((~~shall~~)) must be rolled to a minimum diameter of one-half inch and the interior ((~~shall~~)) must be smooth with no rivets, bolts or screws protruding.

(b) Floating type. In lieu of the fixed guards specified in WAC 296-24-90003 (7)(a) a floating type safety cone may be used, such floating cones to be mounted on hinges at least 6 inches below the under side of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) Protection of entrances and exits.

(a) Guardrail requirement. The entrances and exits at all floor landings affording access to the manlift ((~~shall~~)) must be guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(b) Construction. The rails ((~~shall~~)) must be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1-1967 and WAC 296-24-750 through 296-24-75011.

(c) Gates. Gates, if used, ((~~shall~~)) must open outward and ((~~shall~~)) must be self-closing. Corners of gates ((~~shall~~)) must be rounded.

(d) Maze. Maze or staggered openings ((~~shall~~)) must offer no direct passage between enclosure and outer floor space.

(e) Except where building layout prevents, entrances at all landings ((~~shall~~)) must be in the same relative position.

(f) If located in buildings to which the public has access, such manlift or manlifts ((~~shall~~)) must be located in an enclosure protected by self-closing spring-locked doors. Keys to such doors ((~~shall~~)) must be limited to authorized personnel.

(9) Guards for openings.

(a) Construction. The floor opening at each landing ((~~shall~~)) must be guarded on sides not used for entrance or exit by a standard railing and toeboard or by panels or wire mesh of not less than Number 10 U.S. gage, expanded metal of not less than Number 13 U.S. gage or sheet metal of equivalent strength.

(b) Guardrails in stairwells. When belt manlift is installed in a stairwell a standard guardrail ((~~shall~~)) must be placed between the floor openings of the manlift and the stairways.

(c) Height and location. Such rails or guards ((~~shall~~)) must be at least forty-two inches in height on the "up" running side and sixty-six inches on the "down" running side. If a guardrail is used the section of the guard above the rail may be of the construction specified in WAC 296-24-90003 (9)(a) or may consist of vertical or horizontal bars which will reject a ball six inches in diameter. Rails or guards ((~~shall~~)) must be located not more than one foot from the edge of the floor opening.

(d) Safeguards required. Expanded metal, sheet metal or wood guards must be installed to cover the area from the floor to seven feet above the floor on each exposed side of the belt manlift at each floor landing, so persons cannot place their hands in the area where the step rollers travel.

(10) Bottom arrangement.

(a) Bottom landing. At the bottom landing the clear area ((~~shall~~)) must be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt ((~~shall~~)) must be not less than 48 inches from the face of the belt. This space ((~~shall~~)) must not be encroached upon by stairs or ladders.

(b) Location of lower pulley. The lower (boot) pulley ((~~shall~~)) must be installed so that it is supported by the lowest landing served. The sides of the pulley support ((~~shall~~)) must be guarded to prevent contact with the pulley or the steps.

(c) Mounting platform. A mounting platform ((~~shall~~)) must be provided in front or to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform ((~~shall~~)) must be at or above the point at which the upper surface of the ascending step completes its turn and assumes a horizontal position.

(d) Guardrails. To guard against persons walking under a descending step, the area on the downside of the manlift ((~~shall~~)) must be guarded in accordance with WAC 296-24-90003(8). To guard against a person getting between the mounting platform and an ascending step, the area between

the belt and the platform ((~~shall~~)) must be protected by a guardrail.

(11) Top arrangements.

(a) Clearance from floor. A top clearance ((~~shall~~)) must be provided of at least 11 feet above the top terminal landing. This clearance ((~~shall~~)) must be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(b) Pulley clearance.

(i) There ((~~shall~~)) must be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(ii) The center of the head pulley shaft ((~~shall~~)) must be not less than 6 feet above the top terminal landing.

(c) Emergency grab rail. An emergency grab bar or rail and platform ((~~shall~~)) must be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(12) Emergency exit ladder. A fixed metal ladder accessible from both the "up" and "down" run of the manlift ((~~shall~~)) must be provided for the entire travel of the manlift. Such ladder ((~~shall~~)) must be in accordance with ANSI A14.3-1956, Safety Code for Fixed Ladders and WAC 296-24-810 through 296-24-81013.

(13) Superstructure bracing. Manlift rails ((~~shall~~)) must be secured in such a manner as to avoid spreading, vibration, and misalignment.

(14) Illumination.

(a) General. Both runs of the manlift ((~~shall~~)) must be illuminated at all times when the lift is in operation. An intensity of not less than 1-foot candle ((~~shall~~)) must be maintained at all points. (However, see WAC 296-24-90003 (6)(c) for illumination requirements at landings.)

(b) Control of illumination. Lighting of manlift runways ((~~shall~~)) must be by means of circuits permanently tied into the building circuits (no switches), or ((~~shall~~)) must be controlled by switches at each landing. Where separate switches are provided at each landing, any switch ((~~shall~~)) must turn on all lights necessary to illuminate the entire runway.

(15) Weather protection. The entire manlift and its driving mechanism ((~~shall~~)) must be protected from the weather at all times.

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-90005 Mechanical requirements. (1) Machines, general.**

(a) Brakes. Brakes provided for stopping and holding a manlift ((~~shall~~)) must be inherently self-engaging, by requiring power or force from an external source to cause disengagement. The brake ((~~shall~~)) must be electrically released, and ((~~shall~~)) must be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The

brake ((~~shall~~)) must be capable of stopping and holding the manlift when the descending side is loaded with 250 lb on each step.

(b) Belt.

(i) The belts ((~~shall~~)) must be of hard-woven canvas, rubber-coated canvas, leather, or other material meeting the strength requirements of WAC 296-24-90003(3) and having a co-efficient of friction such that when used in conjunction with an adequate tension device it will meet the brake test specified in WAC 296-24-90005 (1)(a).

(ii) The width of the belt ((~~shall~~)) must be not less than 12 inches for a travel not exceeding 100 feet, not less than 14 inches for a travel greater than 100 feet but not exceeding 150 feet and 16 inches for a travel exceeding 150 feet.

(iii) A belt that has become torn while in use on a manlift ((~~shall~~)) must not be spliced and put back in service.

(iv) Belt fastenings. Belts ((~~shall~~)) must be fastened by a lapped splice or ((~~shall~~)) must be butt spliced with a strap on the side of the belt away from the pulley. For lapped splices, the overlap of the belt at the splice ((~~shall~~)) must be not less than three feet where the total travel of the manlift does not exceed one hundred feet and not less than four feet, if the travel exceeds one hundred feet.

Where butt splices are used the straps ((~~shall~~)) must extend not less than three feet on one side of the butt for a travel not in excess of one hundred feet, and four feet for a travel in excess of one hundred feet.

For twelve inch belts, the joint ((~~shall~~)) must be fastened with not less than twenty special elevator bolts, each of a minimum diameter of one-quarter inch. These bolts ((~~shall~~)) must be arranged symmetrically in five rows so arranged as to cover the area of the joint effectively. The minimum number of bolts for a belt width of fourteen inches ((~~shall~~)) must be not less than twenty-three and for belt widths of sixteen inches, the number of bolts ((~~shall~~)) must be not less than twenty-seven.

(v) Pulleys. Drive pulleys and idler (boot) pulleys ((~~shall~~)) must have a diameter not less than given in Table 1.

**TABLE 1**

Belt Construction	Minimum Strength (lb. per inch of width)	Minimum Pulley (diameter inches)
5 ply	1500	20
6 ply	1800	20
7 ply	2100	22

Note: Table No. 1 is included solely for the purpose of determining the minimum diameter of pulley required for the listed number of plys of belt construction.

(vi) Pulley protection. The machine ((~~shall~~)) must be so designed and constructed as to catch and hold the driving pulley in event of shaft failure.

(2) Speed. Maximum speed. No manlift designed for a speed in excess of 80 feet per minute ((~~shall~~)) must be installed.

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## (3) Platforms or steps.

(a) Minimum depth. Steps or platforms ((~~shall~~)) must be not less than 12 inches nor more than 14 inches deep, measured from the belt to the edge of the step or platform.

(b) Width. The width of the step or platform ((~~shall~~)) must be not less than the width of the belt to which it is attached.

(c) Distance between steps. The distance between steps ((~~shall~~)) must be equally spaced and not less than 16 feet measured from the upper surface of one step to the upper surface of the next step above it.

(d) Angle of step. The surface of the step ((~~shall~~)) must make approximately a right angle with the "up" and "down" run of the belt, and ((~~shall~~)) must travel in the approximate horizontal position with the "up" and "down" run of the belt.

(e) Surfaces. The upper or working surfaces of the step ((~~shall~~)) must be of a material having inherent nonslip characteristics (coefficient of friction not less than 0.5) or ((~~shall~~)) must be covered completely by a nonslip tread securely fastened to it.

(f) Strength of step supports. When subjected to a load of 400 pounds applied at the approximate center of the step, step frames, or supports and their guides ((~~shall~~)) must be of adequate strength to:

(i) Prevent the disengagement of any step roller.

(ii) Prevent any appreciable misalignment.

(iii) Prevent any visible deformation of the steps or its support.

(g) Prohibition of steps without handholds. No steps ((~~shall~~)) must be provided unless there is a corresponding handhold above or below it meeting the requirements of WAC 296-24-90005(4). If a step is removed for repairs or permanently, the handholds immediately above and below it ((~~shall~~)) must be removed before the lift is again placed in service.

## (4) Handholds.

(a) Location. Handholds attached to the belt ((~~shall~~)) must be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These ((~~shall~~)) must be so located as to be available on the both "up" and "down" run of the belt.

(b) Size. The grab surface of the handhold ((~~shall~~)) must be not less than 4 1/2 inches in width, not less than 3 inches in depth, and ((~~shall~~)) must provide 2 inches of clearance from the belt. Fastenings for handholds ((~~shall~~)) must be located not less than 1 inch from the edge of the belt.

(c) Strength. The handhold ((~~shall~~)) must be capable of withstanding, without damage, a load of 300 pounds applied parallel to the run of the belt.

(d) Prohibition of handhold without steps. No handhold ((~~shall~~)) must be provided without a corresponding step. If a handhold is removed permanently or temporarily, the corresponding step and handhold for the opposite direction of travel ((~~shall~~)) must also be removed before the lift is again placed in service.

(e) Type. All handholds ((~~shall~~)) must be of the closed type.

## (5) Up limit stops.

(a) Requirements. Two separate automatic stop devices ((~~shall~~)) must be provided to cut off the power and apply the

brake when a loaded step passes the upper terminal landing. One of these ((~~shall~~)) must consist of a split-rail switch mechanically operated by the step roller and located not more than 6 inches above the top terminal landing. The second automatic stop device may consist of any of the following:

(i) Any split-rail switch placed 6 inches above and on the side opposite the first limit switch.

(ii) An electronic device.

(iii) A switch actuated by a lever, rod, or plate, the latter to be placed on the "up" side of the head pulley so as to just clear a passing step.

(b) Emergency stop switch, treadle type in pit on down side. An emergency stop treadle switch ((~~shall~~)) must be placed in the area below the lowest landing on the "down" side. This switch must stop the mechanism if a person should fail to get off at the lowest landing and be ejected from the step as it approaches its position to travel around the boot pulley.

(c) Manual reset location. After the manlift has been stopped by a stop device it ((~~shall~~)) must be necessary to reset the automatic stop manually. The device ((~~shall~~)) must be so located that a person resetting it ((~~shall~~)) must have a clear view of both the "up" and "down" runs of the manlift. It ((~~shall~~)) must not be possible to reset the device from any step or platform.

(d) Cut-off point. The initial limit stop device ((~~shall~~)) must function so that the manlift will be stopped before the loaded step has reached a point of 24 inches above the top terminal landing.

(e) Electrical requirements.

(i) Where such switches open the main motor circuit directly they ((~~shall~~)) must be of the multipole type.

(ii) Where electronic devices are used they ((~~shall~~)) must be so designed and installed that failure will result in shutting off the power to the driving motor.

(iii) Where flammable vapors or dusts may be present all electrical installations ((~~shall~~)) must be according to chapter 296-24 WAC Part L.

(iv) Unless of the oil-immersed type controller contacts carrying the main motor current ((~~shall~~)) must be copper to carbon or equal, except where the circuit is broken at two or more points simultaneously.

(6) Emergency stop.

(a) General. An emergency stop means ((~~shall~~)) must be provided.

(b) Location. This stop means ((~~shall~~)) must be within easy reach of the ascending and descending runs of the belt.

(c) Operation. This stop means ((~~shall~~)) must be so connected with the control lever or operating mechanism that it will cut off the power and apply the brake when pulled in the direction of travel.

(d) Rope. If rope is used, it ((~~shall~~)) must be not less than three-eighths inch in diameter. Wire rope, unless marlin-covered, ((~~shall~~)) must not be used.

(7) Instruction and warning signs.

(a) Instruction signs at landings or belts. Signs of conspicuous and easily read style giving instructions for the use of the manlift ((~~shall~~)) must be posted at each landing or stenciled on the belt.

(i) Such signs ((shall)) must be of letters not less than 1 inch in height and of a color having high contrast with the surface on which it is stenciled or painted (white or yellow on black or black on white or gray).

(ii) The instructions ((shall)) must read approximately as follows:

- Face the belt.
- Use the handholds.
- To stop-pull rope.

(b) Top floor warning sign and light.

(i) At the top floor an illuminated sign ((shall)) must be displayed bearing the following wording:

"TOP FLOOR-GET OFF"

Signs ((shall)) must be in block letters not less than 2 inches in height. This sign ((shall)) must be located within easy view of an ascending passenger and not more than 2 feet above the top terminal landing.

(ii) In addition to the sign required by WAC 296-24-90005(7), a red warning light of not less than 40-watt rating ((shall)) must be provided immediately below the upper landing terminal and so located as to shine in the passenger's face.

(c) Bottom of manlift warning signs, light and buzzer.

(i) Sign or light. A sign or light warning any passengers they are approaching the bottom landing ((shall)) must be posted above bottom landing in a conspicuous place. Sign or light to be similar in size to top warning light and sign noted above.

(ii) An electric buzzer. An electric buzzer ((shall)) must be installed five feet above the bottom landing on the down side to warn any riders they are approaching the bottom landing and the buzzer ((shall)) must be activated automatically by the weight of a load on a step.

(d) Visitor warning. A conspicuous sign having the following legend-AUTHORIZED PERSONNEL ONLY-((shall)) must be displayed at each landing. The sign ((shall)) must be of block letters not less than 2 inches in height and ((shall)) must be of a color offering high contrast with the background color.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-90007 Operating rules.** (1) Proper use of manlifts. No freight, packaged goods, pipe, lumber, or construction materials of any kind ((shall)) must be handled on any manlift.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-90009 Periodic inspection.** (1) Frequency. All manlifts ((shall)) must be inspected by a competent designated person at intervals of not more than 30 days. Limit switches ((shall)) must be checked weekly. Manlifts found to be unsafe ((shall)) must not be operated until properly repaired.

(2) Items covered. This periodic inspection ((shall)) must cover but is not limited to the following items:

- Steps.
- Step fastenings.
- Rails.
- Rail supports and fastenings.
- Rollers and slides.
- Belt and belt tension.
- Handholds and fastenings.
- Floor landings.
- Guardrails.
- Lubrication.
- Limit switches.
- Warning signs and lights.
- Illumination.
- Drive pulley.
- Bottom (boot) pulley and clearance.
- Pulley supports.
- Motor.
- Driving mechanism.
- Brake.
- Electrical switches.
- Vibration and misalignment.
- "Skip" on up or down run when mounting step (indicating worn gears).

(3) Inspection log. A written record ((shall)) must be kept of findings at each inspection. Records of inspection ((shall)) must be made available to the director of labor and industries or his/her duly authorized representative.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-825 Safety requirements for scaffolding.
- WAC 296-24-82501 Definitions.
- WAC 296-24-82503 General requirements for all scaffolds.
- WAC 296-24-82505 General requirements for wood pole scaffolds.
- WAC 296-24-82507 Tube and coupler scaffolds.
- WAC 296-24-82509 Tubular welded frame scaffolds.
- WAC 296-24-82511 Outrigger scaffolds.
- WAC 296-24-82513 Masons' adjustable multiple-point suspension scaffolds.

PERMANENT

WAC 296-24-82515	Two-point suspension scaffolds (swinging scaffolds).	WAC 296-24-87017	Operations.
WAC 296-24-82517	Stone setters' adjustable multiple-point suspension scaffolds.	WAC 296-24-87019	Personal fall protection.
WAC 296-24-82519	Single-point adjustable suspension scaffolds.	WAC 296-24-87031	Appendix A—Guidelines (advisory).
WAC 296-24-82521	Boatswain's chairs.	WAC 296-24-87033	Appendix B—Exhibits (advisory).
WAC 296-24-82523	Carpenters' bracket scaffolds.	WAC 296-24-87035	Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory).
WAC 296-24-82525	Bricklayers' square scaffolds.	WAC 296-24-87037	Appendix D—Existing installations (mandatory).
WAC 296-24-82527	Horse scaffolds.	WAC 296-24-885	Vehicle-mounted elevating and rotating work platforms.
WAC 296-24-82529	Needle beam scaffold.	WAC 296-24-88501	Definitions.
WAC 296-24-82531	Plasterers', decorators', and large area scaffolds.	WAC 296-24-88503	General requirements.
WAC 296-24-82533	Interior hung scaffolds.	WAC 296-24-88505	Specific requirements.
WAC 296-24-82535	Ladder-jack scaffolds.		
WAC 296-24-82537	Window-jack scaffolds.		
WAC 296-24-82539	Roofing brackets.		
WAC 296-24-82541	Crawling boards or chicken ladders.		
WAC 296-24-82543	Float or ship scaffolds.		
WAC 296-24-82545	Scope.		
WAC 296-24-840	Manually propelled mobile ladder stands and scaffolds (towers).		
WAC 296-24-84001	Definitions.		
WAC 296-24-84003	General requirements.		
WAC 296-24-84005	Mobile tubular welded frame scaffolds.		
WAC 296-24-84007	Mobile tubular welded sectional folding scaffolds.		
WAC 296-24-84009	Mobile tube and coupler scaffolds.		
WAC 296-24-84011	Mobile work platforms.		
WAC 296-24-84013	Mobile ladder stands.		
WAC 296-24-870	Power platforms for exterior building maintenance.		
WAC 296-24-87001	Definitions.		
WAC 296-24-87009	Inspections and tests.		
WAC 296-24-87011	Powered platform installations—Affected parts of buildings.		
WAC 296-24-87013	Powered platform installations—Equipment.		
WAC 296-24-87015	Maintenance.		

**WSR 00-08-080**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed April 4, 2000, 10:37 a.m.]

Date of Adoption: March 30, 2000.

Purpose: Implement the masters in education reimbursement program as authorized by the 1999-2000 biennial budget.

Citation of Existing Rules Affected by this Order: New chapter 250-81 WAC.

Statutory Authority for Adoption: Chapter 28B.80 RCW and section 611(3), chapter 309, Laws of 1999.

Adopted under notice filed as WSR 00-05-084 on February 15, 2000.

Changes Other than Editing from Proposed to Adopted Version: In adopting the Masters in Education reimbursement program rules, the board accepted two amendments as a result of public testimony:

1. WAC 250-81-020(5) was modified to specify that the definition of a Washington institution includes "the branch campuses of out-of-state institutions which have a physical classroom presence within the state of Washington."

2. WAC 250-81-020 (4)(c) was clarified to indicate that an acceptable teaching contract means an appointment at a half-time rate or greater. By extension, teaching contracts that are less than half-time are not acceptable.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 31, 2000

John Klacik

Associate Director

## Chapter 250-81 WAC

### MASTERS IN EDUCATION REIMBURSEMENT PROGRAM

#### NEW SECTION

**WAC 250-81-010 Purpose.** This program is intended to partially reimburse teachers or teacher candidates for educational expenses they incur when they receive a master's degree in education or a master's degree in teaching and return to teaching in a public school classroom.

#### NEW SECTION

**WAC 250-81-020 Definitions.** (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(4) "Eligible applicant" means a person who:

(a) Did not possess a master's degree in any subject prior to July 1, 1999;

(b) Receives either a master's in education or a master's in teaching degree from an institution of higher education in Washington after June 30, 1999; and

(c) Is teaching in one of the state's public elementary, middle, or secondary schools or has a contract to teach in one of those schools for the next academic year at a rate of half-time or greater.

(5) "Master's degree" means a master's in education or a master's in teaching degree.

(6) "Institution of higher education" means an accredited public or private college or university offering graduate degree coursework in the state of Washington including the branch campuses of out-of-state institutions which have a physical classroom presence within the state of Washington.

(7) "Accredited" means an institution certified by the Northwest Association of Schools and Colleges or by a similar regional accrediting body.

(8) "Teaching credential" means a teaching endorsement conferred by the office of the superintendent of public

instruction or documentation that shows completion of a major or minor in one or more specific priority areas.

(9) "Mathematics or science" means an endorsement or major or minor in mathematics or science, biology, chemistry, earth science, or physics, as determined by the OSPI.

(10) "Priority areas" means those curriculum or teaching specialties defined as priorities in the selection of recipients for reimbursement.

(11) "Documentation" means evidence supporting the applicant's:

(a) Current teaching service;

(b) Possession of a teaching credential in priority area; and

(c) Receipt of an appropriate master's degree from an accredited institution of higher education.

(12) "Educational expenses" means the current representative average annual tuition and fees for resident graduate students attending the state's research institutions, as determined by the board.

#### NEW SECTION

**WAC 250-81-030 Application procedure.** (1) The completed application will include all necessary documentation.

(2) The board will treat all applications in a confidential manner.

(3) Applications will be made available through several means including:

(a) Mailings to institutions of higher education;

(b) Mailings to related teacher and school organizations;

(c) Posting on the HECB website at <http://www.hecb.wa.gov>;

(d) Direct mailing to individuals.

(4) The board will annually set a deadline for the receipt of applications and documentation for reimbursement from that year's funds.

#### NEW SECTION

**WAC 250-81-040 Recipient selection and ranking in priority order.** (1) First priority will be given to applicants who possess a mathematics or science teaching credential.

(2) The board may set other priorities if needed to properly expend program funding.

(3) Applicants who do not receive the reimbursement may reapply in the second year.

#### NEW SECTION

**WAC 250-81-050 Reimbursement amount.** (1) Within available funds and until these funds are exhausted, the board may repay all or a portion of the educational expenses incurred by a teacher, or teacher candidate, for one year of master's level studies at an accredited Washington institution of higher education.

(2) The annual maximum reimbursement shall be set by the board. Depending upon the number of eligible applicants, the reimbursement may be prorated among eligible applicants at a rate less than the maximum.

(3) Funds are to be prorated among all eligible first priority applicants, not to exceed the annual maximum as set by the board.

(4) If funds remain after awards have been made to first priority applicants, the board may establish a second priority group to fully expend program funding. The award to this population of applicants shall not exceed the amount received by the first priority applicants.

(5) If funds continue to remain after reimbursing the second priority applicants, then the remaining funds shall be prorated among all remaining eligible applicants, not to exceed the award given to the first priority group.

(6) The reimbursement for any individual eligible applicant shall be reduced by the sum of all other tuition reimbursements received by the applicant from other public sources. Other public sources include the applicant's school and school district, but do not include student loans or student aid awarded through a college or university.

#### NEW SECTION

**WAC 250-81-060 Program administration.** (1) The board shall administer the program. The board shall be responsible for:

- (a) Collection of applications and documentation;
  - (b) Determination of eligibility;
  - (c) Determination of the eligibility of institutions of higher education within Washington;
  - (d) Adjudication of all appeals;
  - (e) Disbursement of awards; and
  - (f) Maintenance of records.
- (2) The board shall request from the OSPI:
- (a) A list of all public elementary, middle, junior high, and high schools within Washington; and
  - (b) The list of teaching credentials which qualify as mathematics or science.

**WSR 00-08-081**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
 [Filed April 4, 2000, 10:40 a.m.]

Date of Adoption: March 31, 2000.

Purpose: Incorporate changes to the Washington scholars program as required by the 1999 legislature through SHB 1661.

Citation of Existing Rules Affected by this Order: Amending WAC 250-66-020, 250-66-030, 250-66-040 and 250-66-050; and new section WAC 250-66-045.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Adopted under notice filed as WSR 00-01-180 on December 22, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 31, 2000

John Klacik

Associate Director

AMENDATORY SECTION (Amending WSR 95-22-105, filed 11/1/95, effective 12/2/95)

**WAC 250-66-020 Program definitions.** (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, The Evergreen State College, community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Washington institution(s) of higher education" shall mean any of the state-supported, public four-year colleges and universities, public two-year community and technical colleges, and qualifying independent colleges and universities as defined in subsection (2) of this section.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

~~((5))~~ (6) "Washington resident" shall mean any individual who satisfied the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

~~((6))~~ (7) "Waiver of tuition and service and activities fees." Students who received their Washington state scholars awards prior to June 30, 1994, and who choose to attend a public institution of higher education((;)) as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and

services and activities fees at any Washington public institution of higher education.

~~((7) "Grant(s)." Students named as Washington state scholars who choose to attend an independent college or university, as defined in subsection (2) of this section and recipients of the award named after June 30, 1994, who choose to attend a public college or university within the state, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants to recipients attending a Washington independent institution shall also be contingent upon the institution matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.~~

~~If the independent institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.~~

~~(a) Grant amounts.~~

~~(i) Maximum grant award value. Grants to individual recipients shall not exceed, on an annual basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities.~~

~~(ii) Calculation of individual award amounts. The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program. Individual recipients may receive state grants which do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.~~

~~(b) Priorities in funding grants. Grants shall be funded contingent upon appropriated funds available and subject to the following priorities:~~

~~(i) First priority in funding of grants shall be to Washington scholars attending eligible institutions during the regular academic year and who are identified to the board by the enrolling institution no later than the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.~~

~~(ii) Second priority in funding of grants shall be to Washington scholars identified to the board by the enrolling institution after the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.~~

~~(iii) Third priority in funding of grants shall be to Washington scholars enrolling in eligible institutions for the summer term.~~

~~(c) Washington scholars eligible for grants shall be responsible for payment of tuition and service and activity fees or make arrangement with the institution for payment of tuition and service and activity fees. The state grants may be~~

~~used to pay for any valid educational expense, including, but not limited to, tuition and service and activity fees, books and supplies, transportation, room and board, and miscellaneous/personal costs.)~~

~~(8) "Grant(s)" shall mean payments made to eligible Washington scholars and Washington scholars alternates from moneys appropriated to the board for this purpose.~~

~~(9) "Regular academic year" shall mean fall and spring semester at institutions operating on the semester system, or fall, winter, and spring quarter at institutions operating on the quarter system.~~

AMENDATORY SECTION (Amending WSR 94-14-007, filed 6/23/94, effective 7/24/94)

**WAC 250-66-030 Nomination and selection of Washington state scholars.** (1) Number of students to be nominated. Each principal of a public or private approved Washington high school is encouraged to nominate one percent of the senior class (twelfth grade) based on the October 1 enrollment count of the previous year.

(2) Selection committee. Following the receipt of all nomination forms, the higher education coordinating board shall convene a selection committee which shall have members representing public and private secondary and postsecondary education institutions, state agencies, and private sector associations. This selection committee shall review all nominations based upon selection criteria (~~which~~) that shall include, but not be limited to, academic excellence, leadership ability, and community contributions.

(3) Selection. The Washington (~~state~~) scholars selection committee (~~will then select the top three seniors residing in each legislative district who are graduating from high schools in the state to be designated as Washington state scholars~~) shall designate three Washington scholars and one Washington scholars-alternate in each legislative district from among the population of graduating high school seniors nominated for the award.

Recipients shall be identified by a ranking of nominees within each legislative district in descending order according to the final, aggregate numeric scores assigned to each individual in the review process. The three individuals achieving the highest scores in each legislative district shall be named to the Washington scholars award, and the individual receiving the fourth highest score in each legislative district shall be named to the Washington scholars-alternate award.

(4) Notification. After the final selections have been made, the higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor.

(5) Certificates and awards ceremony.

(a) The board, in conjunction with the governor's office, shall prepare appropriate certificates of recognition to be presented to the Washington state scholars recipients and Washington scholars-alternate recipients.

(b) An awards ceremony (at an appropriate time and place) on behalf of the three students named to the Washington state scholars award in each legislative district shall be planned annually, at an appropriate time and place, by the

board in cooperation with the Washington association of secondary school principals.

(6) Receipt of award. Washington state scholars and Washington scholars-alternates shall be deemed to have received their awards effective the date of notification. This is in contrast to the receipt of award benefits which may accrue to Washington state scholars and Washington scholars-alternates recipients in the form of tuition and fee waivers and grants, and which shall be deemed to be received by the individual recipients on a term-by-term basis at the time the award benefit is used for undergraduate coursework.

**AMENDATORY SECTION** (Amending WSR 95-22-105, filed 11/1/95, effective 12/2/95)

**WAC 250-66-040 Recipient eligibility.** (1) Eligibility criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or the grant at public and independent colleges or universities, the ~~((student))~~ scholar must meet the following requirements~~((The student must))~~:

- (a) Be a resident of the state of Washington.
- (b) Have attended high school in the state of Washington.
- (c) Be a designated and fully recognized recipient of the Washington state scholars award, or the Washington scholars-alternate award.

(d) Have entered a public institution of higher education or independent college or university in the state of Washington within ~~((three years of high school graduation))~~ the applicable time frame, as described herein:

(i) Washington state scholars named to the award prior to the year 2000 must enter a public institution of higher education or an independent college or university in the state of Washington within three years of high school graduation.

(ii) Washington scholars named to the award in or after the year 2000 must:

(A) Within the time frame and in the manner established by the board, acknowledge acceptance of the grant benefit and demonstrate the intent to enroll at a Washington public or independent college or university in the fall academic term immediately following high school graduation.

(B) Be enrolled at a Washington institution of higher education by the fall term immediately following high school graduation, and maintain continuous enrollment during the remainder of the regular academic year.

(iii) Washington scholar-alternates. Washington scholars-alternates initially receive a recognition certificate only. Alternates may receive the grant only if an originally named Washington state scholar in the same legislative district relinquishes, or is considered by the board to have forfeited, the grant award within one calendar year of initial award notification, and if funds are available for this purpose. The alternate also must meet all other eligibility criteria, as follows:

(A) Acknowledge acceptance of the grant benefit and demonstrate the intent to enroll at a Washington institution of higher education in the next available academic term, within the time frame and in the manner established by the board.

(B) Be enrolled, and maintain continuous enrollment, for the balance of the remaining regular academic year at a Washington institution of higher education.

(e) Be a student enrolled in undergraduate studies.

(f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

~~((g))~~ If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

~~((h))~~ (g) Not be pursuing courses that include any religious worship or exercise, or any degree in religious, seminary, or theological academic studies.

(2) Waiver of enrollment requirements. Washington state scholars named to the award in or after the year 2000, and Washington scholars-alternates who have accepted the remaining value of an award benefit relinquished by the original Washington scholar recipient, may petition the board, which shall have the authority to waive the enrollment requirements based on the exceptional mitigating circumstances of the individual grant recipients.

Those Washington scholars and Washington scholars-alternates who do not meet eligibility criteria as defined in subsection (1)(a) through (g) of this section, and for whom the enrollment requirements are not waived by the board, shall be deemed to have withdrawn from college, and the grant award for that scholar shall be considered relinquished and forfeit.

(3) Duration of eligibility. Subject to criteria set forth in subsection (1)~~((a) through (h))~~ of this section, individual recipients of the Washington state scholars award shall be eligible for award benefits ~~((until))~~ not to exceed a cumulative ~~((total))~~ maximum of eight semesters or twelve quarters total of waiver and/or grant benefits ~~((have been received by the scholar under this program))~~ for undergraduate coursework.

~~((3))~~ Subject to criteria set forth in subsections (1) and (2) of this section, Washington scholar-alternates may be eligible to receive the values remaining in a grant benefit relinquished by a Washington scholar originally named to the award, not to exceed a cumulative maximum of eight semesters or twelve quarters total of undergraduate coursework.

(4) Transferability. Recipients of the Washington state scholars award and the Washington scholars-alternate award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the cumulative terms of waivers of tuition and service and activities fees and/or grants received by any one recipient does not exceed eight semesters or twelve quarters.

#### NEW SECTION

**WAC 250-66-045 Grant amounts and usage.** (1) Grant amounts.

(a) Maximum grant award value. State grants to individual recipients shall not exceed, on an annual basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities.

(b) Calculation of individual award amounts.

(i) The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program.

(ii) Individual recipients may receive state grants that do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.

(iii) Grants to recipients attending a Washington independent institution shall also be contingent upon the institution matching, on at least a dollar-for-dollar basis, either with actual institutional moneys or a waiver of tuition and fees, the grant amount the student receives from the state.

If the independent institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(2) Priorities in funding grants. Grants shall be funded contingent upon appropriated funds available and subject to the following priorities:

(a) First priority in funding of grants shall be to Washington scholars attending eligible institutions during the regular academic year and who are identified to the board by the enrolling institution no later than the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(b) Second priority in funding of grants shall be to Washington scholars identified to the board by the enrolling institution after the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(c) Third priority in funding of grants shall be to Washington scholars enrolling in eligible institutions for the summer term.

(3) Washington scholars eligible for grants shall be responsible for payment of tuition and service and activity fees or make arrangement with the institution for payment of tuition and service and activity fees. The state grants may be used to pay for any valid educational expense, including, but not limited to, tuition and service and activity fees, books and supplies, transportation, room and board, and miscellaneous/personal costs.

**AMENDATORY SECTION** (Amending WSR 95-22-105, filed 11/1/95, effective 12/2/95)

**WAC 250-66-050 Administration.** (1) Administering agency. The higher education coordinating board, with coop-

eration from the Washington association of secondary school principals, shall administer the Washington state scholars program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(a) Select students to receive the Washington state scholars award and the Washington scholars-alternate award, with the assistance of the selection committee created by WAC 250-66-030(~~((3) of this act))~~ (2).

(b) Enter into agreements with participating independent institutions.

(c) Adopt all necessary rules and guidelines.

(d) Send program information and nomination materials to the principal of each Washington public and private school that has a twelfth grade.

(e) Publish a directory of all Washington state scholars and the Washington scholars-alternates selected and distribute it to all public institutions of higher education and independent colleges and universities, legislators, and participating high schools.

(f) Maintain records on all Washington state scholar award and the Washington scholars-alternate recipients.

(g) Publicize the program.

(h) Solicit and accept grants and donations from public and private sources for the program.

(i) Authorize probationary periods for Washington state scholar and the Washington scholars-alternate recipients whose cumulative grade point average falls below the minimum grade point average under WAC 250-66-040 (1)(f).

(j) Make grant payments to eligible recipients for undergraduate study.

(k) Authorize waivers of enrollment requirements for Washington scholars and Washington scholars-alternates as set forth under WAC 250-66-030.

**WSR 00-08-082**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed April 4, 2000, 10:43 a.m.]

Date of Adoption: March 30, 2000.

Purpose: Implements the Washington promise scholarship program as authorized by the 1999 - 2000 Biennial Budget Act, section 611(6), chapter 309, Laws of 1999.

Citation of Existing Rules Affected by this Order: New rules chapter 250-80 WAC.

Statutory Authority for Adoption: Chapter 28B.80 RCW and section 611(6), chapter 309, Laws of 1999.

Adopted under notice filed as WSR 00-01-181 on December 22, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 10, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 31, 2000

John Klacik

Associate Director

## Chapter 250-80 WAC

### WASHINGTON PROMISE SCHOLARSHIP RULES

#### NEW SECTION

**WAC 250-80-010 Purpose.** The Washington promise scholarship program recognizes and encourages the aspiration for superior academic achievement of high school students who attend and graduate from Washington high schools. The program offers a two-year scholarship for eligible students that may be used at any accredited institution within the borders of the state.

#### NEW SECTION

**WAC 250-80-020 Definitions.** (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "High school" means a secondary institution in Washington state identified by the office of the superintendent of public instruction as qualified to confer high school diplomas to a graduating senior class.

(4) "Parent(s)" mean the biological or adoptive parent of the student applicant and the spouse of a biological or adoptive parent. In cases of divorce or separation the parent for purposes of reporting income and family size is the biological or adoptive parent who provided more than one-half of the applicant's support in the previous twelve months. The term parent does not include either foster parents or legal guardians.

(5) "Family size" is the number of people for whom the applicant's parent(s) provided more than one-half of the support in the previous twelve months.

(6) "Income," in most cases means the applicant parent's adjusted gross income (AGI) as reported on the previous calendar year's federal tax return. For the independent student, income means the student's adjusted gross income as reported on the previous calendar year's federal tax return.

(7) "Independent student" means a student whose biological parents are both deceased and there is no adoptive parent, or the student is a "ward of the court," or the student has been legally emancipated by court order. The board may also recognize a student as independent due to exceptional circumstances as recognized by the appeal committee.

(8) "Appeals committee" means a committee convened by the board to review petitions and requests by students for consideration of individual exceptional circumstances.

(9) "Median family income (MFI)" means the median income for the state of Washington, by family size, as compiled by the federal Bureau of the Census and reported annually in the *Federal Register*.

(10) "Income cutoff" means one hundred thirty-five percent of the median family income.

(11) "Academic year" means the fall, winter, and spring quarters or the fall and spring semesters between July 1st and June 30th.

(12) "Eligible student" means a person who:

(a) Graduates from a public or private high school located in the state of Washington; and

(b) Is in the top ten percent of his or her 1999 graduating class; or

(c) Is in the top fifteen percent of his or her 2000 graduating class; and

(d) Has a family income less than one hundred thirty-five percent of the state's median; and

(e) Enrolls at least half time in an eligible postsecondary institution in the state of Washington; and

(f) Is not pursuing a degree in theology.

(13) "Eligible postsecondary institution" means:

(a) A public institution authorized by the Washington legislature and receiving operating support through the state general fund; or

(b) A postsecondary institution, whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(i) The Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(ii) The Accrediting Bureau of Health Education Schools;

(iii) The Accrediting Council for Continuing Education and Training;

(iv) The Accrediting Commission of Career Schools and Colleges of Technology;

(v) The Accrediting Council for Independent Colleges and Schools;

(vi) The National Accrediting Commission of Cosmetology Arts and Sciences; and

Agrees to administer the program in accordance with the applicable rules and program guidelines.

(14) "Authorized use period" means the period of time the eligible student has to complete using his or her scholarship. The board will determine the authorized use period for each class of graduating high school seniors.

NEW SECTION

**WAC 250-80-030 Application procedure.** (1) The eligible student will make application directly to the board.

(2) The completed application will include a data sheet, signed certification statement, a copy of the parent's previous calendar year's federal tax return for the purpose of verifying the income, and any other documentation requested by the board in response to missing, incomplete, or unclear information. Student income information will be accepted, in lieu of parental information, when the board recognizes the applicant as being an independent student.

(3) The board will treat all applications in a confidential manner.

(4) Applications will be made available through several means including:

(a) Mailings to public and private high school principals in the state;

(b) Posting on the HECB website ([HTTP://WWW.HECB.WA.GOV/](http://www.hecb.wa.gov/));

(c) Direct mailing to students.

(5) The board will annually set a deadline for the receipt of applications from that year's eligible graduating high school seniors and the deadline for renewal applications from eligible students having graduated in prior years.

(6) Applications must be received by the deadline for each graduating class of high school seniors to be considered for payment at any time during the authorized use period.

NEW SECTION

**WAC 250-80-040 Recipient selection.** (1) Recipients include all eligible students who have completed applications prior to the annual deadline, who are verified as having finished in the top ten percent of their senior graduating high school class, and who enroll in an eligible school.

(2) The student who is determined eligible for the first year of scholarship benefits is also presumed eligible for the second year's benefits. The student will not need to provide income information after once establishing his or her eligibility.

(3) Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits.

(4) Eligibility determinations made by the appeals committee are final.

NEW SECTION

**WAC 250-80-050 Authorized award amounts.** (1) The maximum annual authorized award shall not exceed the representative average annual tuition and fees for resident students attending the state's community and technical colleges, as determined by the board.

(2) The actual authorized annual award for each recipient shall be the annual appropriation, as determined by the board to be available for grants, evenly prorated among the eligible students.

NEW SECTION

**WAC 250-80-060 Grant disbursement.** (1) Eligible students must enroll on at least a half-time status in order to receive a scholarship disbursement.

(2) Grants to students will be disbursed in equal payments, once per term, across the three quarter or two semester academic year.

(3) State of Washington public colleges and universities may request payment for funds up to the limit of the per term award for each enrolled eligible student. The state public college or university may apply the proceeds of the scholarship to any outstanding debt owed by the student to the institution. The institution must disburse any remainder directly to the eligible student.

(4) Nonstate institutions may request that checks be written to eligible students attending their schools. The board will write individual warrants payable to each eligible student and delivered to the school for disbursement.

(5) The independent university and the private vocational school must disburse the warrant once the student's half-time or greater enrollment has been verified. The school may not withhold or delay disbursement for any reason other than for less than half-time enrollment. The school has thirty days to either disburse the warrant or return it to the board.

NEW SECTION

**WAC 250-80-070 Renewals and authorized use period.** (1) Eligible students may renew their award for the second year's benefits, subject to the availability of funding.

(2) The deadline for the return of renewal applications will be set annually by the board.

(3) The board will determine the maximum number of years each class of graduating high school seniors has to complete usage of the scholarship.

(4) For the graduating classes of 1999 and 2000, the authorized use period is limited to two consecutive years following graduation. Students who were not eligible for the first year of benefits, or who did not use the first year of benefits, may reapply for the second year benefits, but may not renew for a third year.

(5) Receipt of the scholarship is dependent upon the availability of funding.

NEW SECTION

**WAC 250-80-080 Appeals.** (1) The board will set an annual deadline for the receipt of appeals.

(2) Appeals must be submitted to the board in writing before the application deadline.

(3) The board may use its judgment to except individual students from a program rule or rules based on substantial documented mitigating circumstances.

NEW SECTION

**WAC 250-80-090 The account.** (1) The Washington promise scholarship account is established in the custody of

the state treasurer for the purpose of administering the Washington promise scholarship program.

(2) The annual allotment is to be deposited into the account for the purpose of making commitments to students for future scholarship payments, disbursements of the scholarship awards, and for the administrative expenses of the program, as limited by the board's biennial budget provisos.

(3) All moneys not claimed by students, the refund of tuition and fees, and contributions from nonstate sources are to be deposited into the account and used for future payments.

#### NEW SECTION

**WAC 250-80-100 Program administration.** (1) The higher education coordinating board shall administer the program. The board shall be responsible for:

- (a) Collection of student applications;
- (b) Determination of student eligibility;
- (c) Determination of the eligibility of postsecondary institutions within Washington;
- (d) Adjudication of all appeals;
- (e) Disbursement of awards; and
- (f) Maintenance of records.

(2) The OSPI shall be responsible for:

- (a) Certifying the list of qualified high schools in the state of Washington;
- (b) Providing guidance to high schools as to how the top ten percent or fifteen percent of each senior graduating class shall be determined;
- (c) Specifying the number of students per high school that may be named as comprising the top ten percent or top fifteen percent of the graduating class;
- (d) The collection and compilation of the list from each high school of the top ten percent or top fifteen percent of each graduating high school class; and
- (e) The delivery of that list to the board.

**WSR 00-08-090**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed April 5, 2000, 8:25 a.m.]

Date of Adoption: April 5, 2000.

Purpose: Under the Division of Developmental Disabilities family support program, rates for community guides, short-term intervention and service need levels are covered in rule. Since the majority of funding is used to pay providers, mandated vendor rate increases and those funded under Proviso 206 (1)(b) are reflected in the rate increase.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-226, 388-825-228, and 388-825-254.

Statutory Authority for Adoption: RCW 71A.12.030 and 71A.12.040.

Adopted under notice filed as WSR 00-05-107 on February 16, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 5, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 10/21/99 [9/20/99])

**WAC 388-825-226 Can the family support opportunity program help my family obtain financial assistance for community guide services?** The program will authorize up to two hundred four dollars per year for community guide services for your family.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 10/21/99 [9/20/99])

**WAC 388-825-228 How can short-term intervention services help my family?** If your family is eligible, you may receive up to (~~eleven~~) one thousand two hundred dollars per year in short-term intervention funds to pay for necessary services not otherwise available. Short-term intervention funding cannot be used for basic subsistence such as food or shelter but is available for those specialized costs directly related to and resulting from your child's disability. Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 97-13-051 [99-19-104], filed 9/20/99, effective 10/21/99 [9/20/99])

**WAC 388-825-254 Service need level rates.** (1) The department shall base periodic service authorizations on:

- (a) Requests for family support services described in WAC (~~(275-27-220(2))~~) 388-825-252(2) of this section;

(b) Service need levels as described in WAC (~~(275-27-220(3))~~) 388-825-252(3) of this chapter. Service need level amounts are as follows:

(i) Clients designated for service need level one (WAC (~~(275-27-223)~~) 388-825-256) may receive up to (~~(nine hundred fifty one)~~) one thousand twenty-four dollars per month or two thousand (~~(three hundred forty one)~~) four hundred eleven dollars per month if the client requires licensed nursing care in the home:

(A) If a client is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be four hundred (~~(twenty one)~~) fifty-four dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than (~~(nine hundred fifty one)~~) one thousand twenty-four dollars additional family support can be authorized to bring the total to (~~(nine hundred fifty one)~~) one thousand twenty-four dollars.

(ii) Clients designated for service need level two may receive up to (~~(three)~~) four hundred (~~(seventy six)~~) four dollars per month if not receiving funding through Medicaid personal care:

(A) If a client is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be two hundred (~~(eleven)~~) twenty-seven dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than (~~(three)~~) four hundred (~~(seventy six)~~) four dollars, additional family support can be authorized to bring the total to (~~(three)~~) four hundred (~~(seventy six)~~) four dollars.

(iii) Clients designated for service need level three may receive up to two hundred (~~(eleven)~~) twenty-seven dollars per month provided the client is not receiving Medicaid personal care. If the client is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one hundred (~~(six)~~) fourteen dollars per month; and

(iv) Clients designated for service level four may receive up to one hundred (~~(six)~~) fourteen dollars per month family support services.

(c) Availability of family support funding;

(d) Authorization by a review committee, in each regional office, which reviews each request for service;

(e) The amounts designated in subsection (1)(b)(i) through (iv) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

(3) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(4) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child seventeen years of age or younger.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 00-08-091  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 5, 2000, 8:27 a.m.]

Date of Adoption: April 5, 2000.

Purpose: This rule explains that clients must verify certain information before they can receive benefits. It describes when the department requires verification, what kind of verification is acceptable, and what will happen if the department does not receive the verification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-490-0005.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 00-04-092 on February 2, 2000.

Changes Other than Editing from Proposed to Adopted Version: Subsection (2) has been changed to add subsection (c). This subsection allows the department to request verification if the client's situation seems questionable, even if their circumstances have not changed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 5, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-490-0005 (~~(Documents or information needed to determine eligibility)~~) The department requires proof before authorizing benefits for cash, medical, and food assistance. (~~(The department requires clients to provide documents or information to establish the accuracy of a client's circumstances or statements. This is called mandatory verification and varies by program. The following requirements are for cash, food assistance and medical unless otherwise specified.~~

~~(1) A client has primary responsibility for providing information and verification.~~

(2) Time frames and notice requirements for requested information are stated in:

(a) ~~WAC 388-406-0030 and 388-406-0035 for applicants; and~~

(b) ~~WAC 388-418-0010 for recipients.~~

(3) ~~The department requests verification from clients when it is needed to determine eligibility.~~

(4) ~~The department accepts readily available verification that reasonably supports the client's statement or circumstances. Readily available means verification that can be obtained by the client within three working days.~~

(5) ~~A client's signature on the application, eligibility review, or change of circumstance form gives the department consent to obtain supporting evidence from the following sources:~~

(a) ~~A collateral contact. A collateral contact is an oral or written statement from someone outside of the assistance unit that confirms a client's circumstances; or~~

(b) ~~A home visit.~~

(6) ~~When a client is required to provide a document that requires a fee, the department will pay the fee.~~

(7) ~~A client's benefits are not denied, terminated or delayed because of a failure to provide a specific type or form of verification.~~

(8) ~~If all requested verification is not received, a client's eligibility is determined based on all available evidence.~~

(9) ~~If eligibility cannot be determined from the available evidence that was provided, the client's benefits are denied or terminated.~~

(10) ~~When verification was previously provided before and the document is not subject to change, a client is not required to provide the verification again. This applies when the department determines eligibility at:~~

(a) ~~The next application;~~

(b) ~~Reinstatement of a program; or~~

(c) ~~Redetermination of eligibility)) This rule applies to cash, medical, and food assistance.~~

(1) When you first apply for benefits, the department may require you to provide proof of things that help us decide your eligibility. This is also called "verification." The types of things that need to be proven are different for each program.

(2) After that, we will ask you to give us proof when:

(a) You report a change;

(b) We find out that your circumstances have changed;

or

(c) The information we have is questionable or confusing.

(3) Whenever we ask for proof, we will give you a notice as described in WAC 388-458-0001.

(4) You must give us the proof within the time limits described in:

(a) WAC 388-406-0030 and 388-406-0035 if you are applying for benefits; and

(b) WAC 388-458-0001 if you currently receive benefits.

(5) We will accept any proof that you can easily get when it reasonably supports your statement or circumstances. The proof you give to us must:

(a) Clearly relate to what you are trying to prove;

(b) Be from a reliable source; and

(c) Be accurate, complete, and consistent.

(6) We cannot make you give us a specific type or form of proof.

(7) If the only type of proof that you can get costs money, we will pay for it.

(8) If the proof that you give to us is questionable or confusing, we may:

(a) Ask you to give us more proof or provide a collateral contact (a "collateral contact" is a statement from someone outside of your residence that knows your situation);

(b) Schedule a visit to come to your home and verify your circumstances; or

(c) Send an investigator from the division of fraud investigations (DFI) to make an unannounced visit to your home to verify your circumstances.

(9) By signing the application, eligibility review, or change of circumstances form, you give us permission to contact other people, agencies, or institutions.

(10) If you do not give us all of the proof that we have asked for, we will determine if you are eligible based on the information that we already have. If we cannot determine that you are eligible based on this information, we will deny or stop your benefits.

## WSR 00-08-102

### PERMANENT RULES

### DEPARTMENT OF HEALTH

[Filed April 5, 2000, 9:48 a.m.]

Date of Adoption: March 21, 2000.

Purpose: Research has shown that a system approach to the prehospital delivery of EMS and trauma care and the subsequent provision of definitive care at facilities equipped to handle such patients reduces death and disability. These rules provide for a consistent, coordinated and preplanned response by quality trained, certified prehospital provider agencies, and definitive care facilities to the needs of the ill and injured patient.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-976-020, 246-976-025, 246-976-030, 246-976-035, 246-976-040, 246-976-045, 246-976-050, 246-976-055, 246-976-060, 246-976-065, 246-976-070, 246-976-075, 246-976-076, 246-976-077, 246-976-080, 246-976-085, 246-976-110, 246-976-120, 246-976-140, 246-976-150, 246-976-160, 246-976-165, 246-976-170, 246-976-180, 246-976-181, 246-976-190, 246-976-200, 246-976-210, 246-976-220, 246-976-230, 246-976-240, 246-976-280, 246-976-350, 246-976-370, 246-976-440 and 246-976-450; and amending WAC 246-976-001, 246-976-010, 246-976-260, 246-976-270, 246-976-290, 246-976-300, 246-976-310, 246-976-320, 246-976-330, 246-976-340, 246-976-390, 246-976-400, 246-976-420, 246-976-430, 246-976-890, 246-976-910, 246-976-920, 246-976-930, 246-976-940, 246-976-950, 246-976-960, 246-976-970, and 246-976-990.

Statutory Authority for Adoption: Chapters 18.71, 18.73, and 70.168 RCW.

Adopted under notice filed as WSR 00-03-075 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Based on written comments submitted to the Department of Health (DOH), Office of Emergency Medical and Trauma Prevention (OEMTP), and on discussion at the public hearing the following changes were made:

The requirement for ground ambulance vehicles, purchased and placed into service after December 31, 2000, to meet federal specification KKK-A-1822D standards was removed from WAC 246-976-290.

Language was changed in WAC 246-976-310 Ground ambulance and aid vehicles—Communications, to allow the use of cellular telephones as a primary means of communication as long as there is another method of radio contact with dispatch and medical control.

The Commission on Accreditation of Medical Transport Services (CAMTS) requirement for air ambulance was removed from the proposed language and the original language was reinstated.

The Commission on Accreditation of Medical Transport Services (CAMTS) requirement for air ambulance was removed from the proposed language and the original language was reinstated.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 9, Amended 23, Repealed 36.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 23, Repealed 36.

Number of Sections Adopted Using Negotiated Rule Making: New 9, Amended 23, Repealed 36; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 3, 2000  
M. C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-001** (~~(Declaration of)~~ **Purpose.** The purpose of these rules is to implement RCW 18.71.200 through 18.71.215, and chapters 18.73 and 70.168 RCW; and those sections of chapter 70.24 RCW relating to EMS/TC personnel and services.

(1) (~~This chapter sets forth standards governing the state-wide emergency medical services and trauma care (EMS/TC) system in order to:~~

~~(a) Prevent unnecessary death and disability from trauma and emergency illness;~~

~~(b) Provide optimal care for the trauma patient;~~

~~(c) Contain costs of EMS/TC, and EMS/TC system implementation; and~~

~~(d) Pursue trauma prevention activities to decrease the incidence of trauma.~~

~~(2)) This chapter establishes criteria for:~~

~~(a) ((Basic life support training and certification;~~

~~(b) Advanced life support training and certification;~~

~~(c) Ambulance licensing and inspection;~~

~~(d) The verification process for prehospital services/agencies providing EMS/TC;~~

~~(e) The)) Training and certification of basic, intermediate and advanced life support technicians;~~

~~(b) Licensure and inspection of ambulance and aid services;~~

~~(c) Verification of prehospital trauma services;~~

~~(d) Development and operation of a state-wide trauma registry;~~

~~((f)) (e) The designation process ((of health care facilities to provide)) and operating requirements for designated trauma care services;~~

~~((g) Operation requirements for all levels of trauma care facilities;~~

~~(h)) (f) A state-wide emergency medical communication system;~~

~~((h)) (g) Administration of the state-wide EMS/TC system ((administration)).~~

(3) This chapter (~~is not intended to constitute~~) does not contain detailed procedures ((for implementation of)) to implement the state EMS/TC system. Request procedures ((and)), guidelines ((are available on request)), or any publications referred to in this chapter from the Office of ((EMS and Trauma Systems)) Emergency Medical and Trauma Prevention, Department of Health, Olympia, WA 98504-7853 or on the internet at [www.doh.wa.gov](http://www.doh.wa.gov).

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 96-03-052, filed 1/12/96, effective 2/12/96)

**WAC 246-976-010 Definitions.** (~~Unless a different meaning is plainly required by the context~~) Definitions in RCW 18.71.200, 18.71.205, 18.73.030, and 70.168.015 apply to this chapter. In addition, unless the context plainly requires a different meaning, the following words and phrases used in this chapter ((shall have the meanings indicated)) mean:

"ACLS" means advanced cardiac life support, a course developed by the American Heart Association.

"Activation of the trauma system" means ~~((a process whereby a prehospital provider identifies the major trauma patient by using the prehospital trauma triage procedures, and notifies from the field both dispatch and medical control, who mobilize)) mobilizing resources to care for ((the)) a trauma patient in accordance with regional patient care procedures. When the prehospital provider identifies a major trauma patient, using approved prehospital trauma triage procedures, he or she notifies both dispatch and medical control from the field.~~

~~(("Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined in chapter 18.71 RCW.)) "Adolescence" means the period of physical and psychological development from the~~

onset of puberty to maturity, approximately twelve to eighteen years of age.

"Advanced first aid," for the purposes of RCW 18.73.120, 18.73.150, and 18.73.170, means a course of at least twenty-four hours of instruction, which includes at least:

- CPR;
- Airway management;
- Trauma/wound care;
- Immobilization.

"Agency response time" means the ((time)) interval from agency notification to arrival on the scene. It is the ((same as the)) combination of activation and enroute times defined under system response times in this section.

"Aid service" means an agency((,-public or private, that operates)) licensed by the department to operate one or more aid vehicles, consistent with regional and state plans.

((("Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

"Air ambulance" means a fixed or rotary-winged aircraft that is configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive life-saving care without interfering with the performance of the flight crew, and has been inspected and licensed by the department as an air ambulance.

"Airway technician" means a person certified to provide mobile airway management as defined in this chapter.

"Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.)) "Airway technician" means a person who:

- Has been trained in an approved program to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an MPD or approved physician delegate; and
- Has been examined and certified as an airway technician by the department or by the University of Washington's school of medicine.

"ALS" means advanced life support.

"Ambulance service" means an agency((,-public or private, that operates)) licensed by the department to operate one or more ground or air ambulances. Ground ambulance service operation must be consistent with regional and state plans. Air ambulance service operation must be consistent with the state plan.

"Approved" means approved by the department of health.

"ATLS" means advanced trauma life support, a course developed by the American College of Surgeons.

"Attending surgeon" means a physician who is board-certified or ((board-eligible)) board-qualified in general surgery, and who has surgical privileges delineated by the facility's medical staff. The attending surgeon is responsible for care of the trauma patient, participates in all major therapeutic decisions, and is present during operative procedures.

"Available" for designated trauma services described in WAC 246-976-485 through 246-976-890 means physically present in the facility and able to deliver care to the patient within the time specified. If no time is specified, the equip-

ment or personnel must be available as reasonable and appropriate for the needs of the patient.

"BLS" means basic life support.

"Basic life support" means ((noninvasive)) emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

"Board certified" means that a physician has been certified by the appropriate specialty board recognized by the American Board of Medical Specialties. For the purposes of this chapter, references to "board certified" include physicians who are board-qualified.

"Board-qualified" means physicians who have graduated less than five years previously from a residency program accredited for the appropriate specialty by the accreditation council for graduate medical education.

"BP" means blood pressure.

"Certification" means ((recognition by the department of the competence of an individual who)) the department recognizes that an individual has met predetermined qualifications, and ((the authorization of)) authorizes the individual to perform certain procedures ((for which they have been trained or are otherwise qualified)).

"CME" means continuing medical education.

((("Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an EMS/TC system.))

"Consumer" means an individual who is not associated with the EMS/TC system, either for pay or as a volunteer, except for service on the steering committee, licensing and certification committee, or regional or local EMS/TC councils.

"Continuing medical education (CME)" means ongoing education after initial certification ((for the purpose of maintaining and enhancing)) to maintain and enhance skill and knowledge.

((("Council" means the local or regional EMS/TC council as authorized under chapter 70.168 RCW.

"Course coordinator" means an individual who has overall administrative responsibility for coordinating an EMS/TC course or program of continuing education.))

"CPR" means cardiopulmonary resuscitation.

((("Department" means the department of health.

"Designated trauma care service" means a level I, II, III, IV, or V trauma care service, or level I, II, or III pediatric trauma care service, or level I, I pediatric, II, or III trauma-related rehabilitative service.

"Designation" means a formal determination by the department that a hospital or health care facility is capable of providing designated trauma care services as authorized in RCW 70.168.070.))

"Dispatch" means to ((designate)) identify and direct an emergency response unit to ((a service)) an incident location.

"E-code" means external cause code, an etiology included in the International Classification of Diseases (ICD).

"ED" means emergency department.

((("Emergency medical dispatch (EMD)" means provision of special procedures and trained personnel to ensure the efficient handling of medical emergencies and dispatch of

aid. It includes prearrival instructions for CPR and other verbal aid to callers.

"Emergency medical service (EMS)" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"Emergency medical services and trauma care (EMS/TC) planning and services regions" means geographic areas established by the department in accordance with RCW 70.168.110.)

"Emergency medical services and trauma care (EMS/TC) system" means an organized approach to providing personnel, facilities, and equipment for effective and coordinated medical treatment of patients with a medical emergency or injury requiring immediate medical or surgical intervention to prevent death or disability. The emergency medical service and trauma care system includes prevention activities, prehospital care, hospital care, and rehabilitation. ((The components of an EMS and trauma care system include:

- Provision of manpower;
- Training of personnel;
- Communications;
- Transportation;
- Facilities;
- Critical care units;
- Use of public safety agencies;
- Use of private agencies;
- Consumer participation;
- Accessibility to care;
- Transfer of patients;
- Standard medical recordkeeping and reporting;
- Consumer information and education;
- Independent review and evaluation, including formal quality assurance programs;
- Disaster linkage; and
- Mutual aid agreements.

"Emergency medical services and trauma care system plan (EMS/TC plan)" means a plan that identifies state-wide EMS/TC objectives and priorities and identifies equipment, facility, personnel, training, and other needs required to create and maintain a state-wide EMS/TC.

"Emergency medical technician (EMT)" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.) "EMS" means emergency medical services.

"EMS/TC" means emergency medical services and trauma care.

"EMT" means emergency medical technician.

("Facility patient care protocols" means the written procedures adopted by the medical staff that direct the care of the patient. These procedures shall be based upon the assessment of the patient's medical needs. The procedures shall follow minimum state-wide standards for trauma care service.

"First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

"HIV/AIDS" means human immunodeficiency virus/acquired immunodeficiency syndrome.

"Hospital" means a facility licensed under chapter 70.41 RCW, or comparable health care facility operated by the federal government or located and licensed in another state.

"Hospital trauma service" means a service designed by the hospital within state guidelines for the treatment of trauma patients, including a formal commitment by the hospital and medical staff to an organized trauma care system and to participation in the regional/state system.) "General surgeon" means a licensed physician who has completed a residency program in surgery and who has surgical privileges delineated by the facility.

"ICD" means the international classification of diseases, a coding system developed by the World Health Organization.

("ICU" means intensive care unit.

"Indicator" means a quality improvement tool or performance measure used to monitor the quality of important governance, management, clinical, and support processes and outcomes.

"Indicator monitoring system" means a method in which indicators are used to monitor important processes or outcomes of care or service, and indicator data are used to evaluate that care.) "ILS" means intermediate life support.

"Injury prevention" means any combination of educational, legislative, enforcement, engineering and emergency response initiatives used to reduce the number and severity of injuries.

("Intermediate life support technician" means a person certified to provide levels of intermediate support skills as defined in this chapter.

"IV technician" means a person certified to provide mobile intravenous therapy as defined in this chapter.

"L&C" means licensing and certification.

"Legend drug" means any drug which is required by state law or regulation by the state board of pharmacy to be dispensed on prescription only, or is restricted to use by practitioners only.

"Level I pediatric rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level I pediatric rehabilitative services provide the same services as facilities authorized to provide level I rehabilitative services, except these services are exclusively for children under the age of fifteen years.

"Level I pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level I services shall provide definitive, comprehensive, specialized care for pediatric trauma patients and shall also provide ongoing research and health care professional education in pediatric trauma care.

"Level II pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level II services shall provide initial stabilization and evaluation of pediatric trauma patients and provide comprehensive general medical and surgical care to pediatric patients who can be maintained in a stable or improving condition without the specialized care available in the level I hospital. Complex surgeries and research and health care professional education in pediatric trauma care activities are not required.

"Level III pediatric trauma care services" means pediatric trauma care services as defined by RCW 70.168.015. Hospitals providing level III services shall provide initial evaluation and stabilization of patients. The range of pediatric trauma care services provided in level III hospitals is not as comprehensive as level I and II hospitals.

"Level I rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level I rehabilitative services provide rehabilitative treatment to patients with traumatic brain injuries, spinal cord injuries, complicated amputations, and other diagnoses resulting in functional impairment, with moderate to severe impairment or complexity. These facilities serve as referral facilities for facilities authorized to provide level II and III rehabilitative services.

"Level II rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level II rehabilitative services treat individuals with musculoskeletal trauma, peripheral nerve lesions, lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area, with moderate to severe impairment or complexity.

"Level III rehabilitative services" means rehabilitative services as defined by RCW 70.168.015. Facilities providing level III rehabilitative services provide treatment to individuals with musculoskeletal injuries, peripheral nerve injuries, uncomplicated lower extremity amputations, and other diagnoses resulting in functional impairment in more than one functional area but with minimal to moderate impairment or complexity.

"Level I trauma care services" means trauma care services as defined by RCW 70.168.015. Hospitals providing level I services shall have specialized trauma care teams and provide ongoing research and health care professional education in trauma care.

"Level II trauma care services" means trauma care services as defined by RCW 70.168.015. Hospitals providing level II services shall be similar to those provided by level I hospitals, although complex surgeries and research and health care professional education activities are not required to be provided. This does not exclude education or training of prehospital providers.

"Level III trauma care services" means trauma care services as defined by RCW 70.168.015. The range of trauma care services provided by level III hospitals are not as comprehensive as level I and II hospitals.

"Level IV trauma care services" means trauma care services as defined by RCW 70.168.015.

"Level V trauma care services" means trauma care services as defined by RCW 70.168.015. Facilities providing level V services shall provide stabilization and transfer of all patients with potentially life-threatening injuries.) "Interfacility transport" means medical transport of a patient between recognized medical treatment facilities requested by a licensed health care provider.

"Intermediate life support (ILS) technician" means a person who:

- Has been trained in an approved program to perform specific phases of advanced cardiac and trauma life support

as specified in this chapter, under written or oral direction of an MPD or approved physician delegate; and

- Has been examined and certified as an ILS technician by the department or by the University of Washington's school of medicine.

"Intravenous therapy technician" means a person who:

- Has been trained in an approved program to initiate IV access and administer intravenous solutions under written or oral authorization of an MPD or approved physician delegate; and

- Has been examined and certified as an intravenous therapy technician by the department or by the University of Washington's school of medicine.

"IV" means intravenous.

"Licensing and certification committee (L&C committee)" means the emergency medical services licensing and certification advisory committee created by RCW 18.73.040.

"Local council" means a local EMS/TC council authorized by RCW 70.168.120(1).

"Local medical community" means the organized local medical society existing in a county or counties; or in the absence of an organized medical society, majority physician consensus in the county or counties.

"Medical control" means MPD authority to direct the medical care provided by ((all)) certified EMS personnel ((involved in patient care)) in the prehospital EMS system.

"Medical control agreement" means a written agreement between two or more MPDs, using similar protocols that are consistent with regional plans, to assure continuity of patient care between counties, and to facilitate assistance.

("Medical program director (MPD)" means an approved emergency medical services medical program director as defined by RCW 18.71.205(4).)

"MPD" means medical program director.

("Name code" means the first four letters of the last name, followed by the first and middle initials.

"National uniform data set" means a coding system which describes the functional abilities and disabilities of the disabled person, published by the State University of New York, Buffalo, NY.

"Ongoing training and evaluation" means a course of education as authorized in RCW 18.73.081 (3)(b).) "Must" means shall.

"Ongoing training and evaluation" (OTEP) means a course of education authorized for first responders and EMTs in RCW 18.73.081 (3)(b).

"PALS" means pediatric advanced life support, a course developed by the American Heart Association.

"Paramedic" means a person ((certified to provide mobile intensive care paramedic services as defined in RCW 18.71.200(3))) who:

- Has been trained in an approved program to perform all phases of prehospital emergency medical care, including advanced life support, under written or oral authorization of an MPD or approved physician delegate; and

- Has been examined and certified as a paramedic by the department or by the University of Washington's school of medicine.

("Patient care procedures" means written operating guidelines adopted by the regional EMS/TC council, in con-

sultation with local EMS/TC councils, emergency communications centers and the MPDs, in accordance with state-wide minimum standards. The patient care procedures identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

"Pediatric trauma patient" means trauma patients known or estimated to be less than fifteen years of age.)

"Physician" means an individual licensed under the provisions of chapters 18.71 or 18.57 RCW (Physicians, or under the provisions of chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery).

"Practical examination" means a test ((which is) conducted in ((the) an initial course, or a test or series of evaluations during a recertification period, ((wherein the competency of a person is determined on)) to determine competence in each of the practical skills specified by the department.

("Prehospital" means emergency medical care or transportation rendered to patients prior to hospital admission or during interfacility transfer by licensed ambulance or aid service under chapter 18.73 RCW, by personnel certified to provide emergency medical care under chapters 18.71 and 18.73 RCW, or by facilities providing level V trauma care services as provided for in chapter 18.71 RCW.)

"Prehospital agencies" means ((both public and private)) providers of prehospital care or interfacility ambulance transport.

"Prehospital index" means a scoring system ((for hospital trauma team activation, incorporating assessment of systolic blood pressure, pulse, respiratory status, and level of consciousness, as described in "Prehospital Index: A scoring system for field triage of trauma victims," Koehler, John J., M.D., et al. *Annals of Emergency Medicine* 1986; 15:178-182)) used to activate a hospital trauma resuscitation team.

"Prehospital patient care protocols" means the written procedures adopted by the MPD under RCW 18.73.030(13) and 70.168.015(26) which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These protocols are related only to delivery and documentation of direct patient treatment.

"Prehospital trauma care services" means ((both public and private)) agencies that are verified to provide prehospital trauma care.

"Prehospital trauma triage procedures" means the method used by prehospital providers to evaluate injured patients and determine whether to activate the trauma system from the field. It is described in WAC 246-976-930(2).

"Public education" means ((the use of preventive measures, involving the)) education of the population at large, targeted groups or individuals, in preventive measures and efforts to alter specific injury-related behaviors.

"Quality assurance (QA)" means an organized ((method of auditing and evaluating care provided within EMS/TC systems.

"Reciprocity" means the process by which an individual certified in another state, or certified by the University of

Washington's school of medicine as authorized by RCW 18.71.200, is certified by the department.

"Region" means a geographic area used for EMS/TC planning, designated by the department in accordance with RCW 70.168.110) quality assessment and improvement program to audit and evaluate care provided in EMS/TC systems, with the goal of improving patient outcomes.

"Regional council" means the regional EMS/TC council established by RCW 70.168.100.

"Regional patient care procedures (RPCP)" means procedures adopted by a regional council under RCW 18.73.030(14) and 70.168.015(23), and approved by the department. Regional patient care procedures do not relate to direct patient care.

"Regional plan" means the ((approved plan that identifies region-wide EMS/TC objectives and prioritizes and identifies equipment, facilities, personnel, training, and other needs required to create and maintain a region-wide EMS/TC system. The plan includes a strategy of implementation that identifies regional and local activities to create, operate, maintain, and enhance the system)) plan defined in WAC 246-976-960 (1)(b) that has been approved by the department.

"Registered nurse" means an individual licensed under the provisions of chapter ((18.88)) 18.79 RCW.

("Rehabilitative services" means a formal program of multidisciplinary, coordinated, and integrated services for evaluation, treatment, education, and training to help individuals with disabling impairments achieve and maintain optimal functional independence in physical, psychosocial, social, vocational, and avocational realms.

"Reinstatement" means the process by which an individual whose EMS certification has expired can be recertified.)

"Response area" means a service coverage zone identified in an approved regional plan.

"Rural" means unincorporated or incorporated areas with total populations less than ten thousand people, or with a population density of less than one thousand people per square mile.

"Senior EMT instructor (SEI)" means an individual approved to be responsible for the quality of instruction ((of an initial EMS training course)) and the conduct of basic life support training courses.

"Special competence" means that an individual has been deemed competent and committed to a medical specialty area with documented training, board certification and/or experience, which has been reviewed and accepted as evidence of a practitioner's expertise:

- For physicians, by the facility's medical staff;
- For registered nurses, by the facility's department of nursing;
- For physician assistants and advanced registered nurse practitioners, as defined in the facility's bylaws.

"Specialized training" means approved training of certified EMS personnel to use a skill, technique, or equipment that is not included in the standard course curriculum.

("State trauma registry" means data collected for examining the entire spectrum of trauma patients and their care, regardless of injury, hospital, or outcome.) "State plan" means the emergency medical services and trauma care sys-

tem plan described in RCW 70.168.015(7), adopted by the department under RCW 70.168.060(10).

"Steering committee" means the EMS/TC steering committee created by RCW 70.168.020.

"Suburban" means an incorporated or unincorporated area with a population of ten thousand to twenty-nine thousand nine hundred ninety nine or any area with a population density of one thousand to two thousand people per square mile.

"System response time" for trauma means the ((time)) interval from discovery of an injury until the patient arrives at a designated trauma facility. It includes:

"Discovery time": The interval from injury to discovery of the injury;

"System access time": The ((time)) interval from discovery to call received;

"911 time": The interval from call received to dispatch notified, including the time it takes the call answerer to:

- Process the call, including citizen interview; and
- Give the information to the dispatcher;

"Dispatch time": The ((time)) interval from call received by the dispatcher to ((the time the agency is notified)) agency notification;

• "Activation time": The ((time)) interval from agency notification to start of response;

• "Enroute time": The ((time)) interval from the end of activation time to the beginning of on-scene time;

• "Patient access time": The interval from the end of enroute time to the beginning of patient care;

• "On scene time": The ((time the unit is on the scene with the patient)) interval from arrival at the scene to departure from the scene. This includes extrication, resuscitation, treatment, and loading;

• "Transport time": The ((time)) interval from leaving the scene to arrival at a health care facility;

"Training agency" means an organization or individual((, which may include local or regional EMS/TC councils, that is approved to train EMS personnel for initial certification)) that is approved to be responsible for specified aspects of training of EMS personnel.

"Training physician" means a physician delegated by the MPD and approved by the department to be responsible for specified aspects of training of EMS personnel.

~~("Trauma" means a major single or multisystem injury requiring immediate medical or surgical intervention or treatment to prevent death or permanent disability.~~

~~"Trauma care system" means an organized approach to providing care to trauma patients that provides personnel, equipment, and facilities for effective and coordinated trauma care. The trauma care system includes: Prevention, prehospital care, triage of trauma victims from the scene to designated trauma services, facilities with specific capabilities to provide trauma care, acute hospital care, and rehabilitation services.)~~

"Trauma rehabilitation coordinator" means a person designated to facilitate early rehabilitation interventions and the trauma patient's access to a designated rehabilitation center.

~~("Trauma surgeon" means a physician who is board-certified or board-eligible in general surgery, and who has~~

~~trauma surgery privileges delineated by the facility's medical staff.~~

~~"Triage" means the sorting of patients in terms of disposition, destination, or priority. Triage of prehospital trauma victims requires identifying injury severity so that the appropriate care level can be readily assessed according to patient care guidelines.~~

~~"Unit of learning" means a method of meeting the CME requirements of this chapter, which includes:~~

~~Approved learning objectives that reflect a complete patient care approach and to a topic or group of related topics; and~~

~~Measures a student's comprehension of the subject matter by written testing and demonstration of skills.)~~

"Urban" means:

- An incorporated area over thirty thousand; or
- An incorporated or unincorporated area of at least ten thousand people and a population density over two thousand people per square mile.

~~("Verification" means the identification of prehospital providers capable of providing verified trauma care services, and is part of the licensure process described in chapter 18.73 RCW.~~

~~"Verified trauma care service" means prehospital services as provided for in RCW 70.168.080, and identified in the regional EMS/TC plan as required by RCW 70.168.100, whose capabilities have been verified by the department.)~~

"Wilderness" means any rural area not readily accessible by public or private maintained road.

## ((CERTIFICATION)) TRAINING

### NEW SECTION

#### WAC 246-976-021 Training course requirements. (1)

**Department responsibilities:** The department will publish procedures for agencies to conduct EMS training courses, including:

- (a) The registration process;
- (b) Requirements, functions, and responsibilities of course instructional and administrative personnel;
- (c) Necessary information and administrative forms to conduct the course;

#### (2) Training agency responsibilities:

(a) **General.** Agencies providing initial training of certified EMS personnel at all levels (except advanced first aid) must:

- (i) Have MPD approval for the course content;
- (ii) Have MPD approval for all instructional personnel, who must be experienced and qualified in the area of training;
- (iii) Have local EMS/TC council recommendation for each course;
- (iv) Have written approval from the department to conduct each course;

(v) Approve or deny applicants for training consistent with the prerequisites for applicants in WAC 246-976-041 and 246-976-141.

(b) **Basic life support** (first responder, EMT). Agencies providing initial training of basic life support personnel must

identify a senior EMS instructor to be responsible for the quality of instruction and the conduct of the course.

(c) **Intermediate life support** (IV, airway and ILS technicians). Agencies providing initial training of intermediate life support personnel must:

(i) Have a written agreement with the clinical facility, if it is separate from the academic facility;

(ii) Ensure that clinical facilities provide departments or sections, personnel, and policies, including:

(A) Written program approval from the administrator and chief of staff;

(B) A written agreement to participate in continuing education;

(C) Supervised clinical experience for students during the clinical portion of the program;

(D) An orientation program.

(d) **Paramedics**. Agencies training paramedics must be accredited by a national accrediting organization approved by the department.

(3) **Course curriculum**. The department recognizes the following National Standard EMS training courses published by the United States Department of Transportation as amended by the department:

(a) First responder: The first responder training course published 1996, amended by the department March 1998;

(b) EMT: The emergency medical technician — Basic training course published 1994, amended by the department February 1999;

(c) IV technician: Those parts of the emergency medical technician — Intermediate course published 1999 which relate to intravenous therapy lessons 1-1, 1-2, 1-3, 2-1, 2-2, 2-3, 2-6, 2-7, 3-2, 3-3, 4-1, and 4-2; amended by the department February 1999;

(d) Airway technician: Those parts of the emergency medical technician — Intermediate course published 1999 which relate to airway management lessons 1-1, 1-2, 1-3, 2-1, 2-2, 2-3, 2-5, 3-2, 3-3, 4-1, and 4-2; amended by the department February 1999;

(e) ILS technician: Those parts of the emergency medical technician — Intermediate course published 1999 which relate to IV therapy and intraosseous infusion, the use of multi-lumen airway adjuncts, and the following medications:

(i) Epinephrine for anaphylaxis administered by a commercially preloaded measured-dose device;

(ii) Albuterol administered by inhalation;

(iii) Dextrose 50% and 25%;

(iv) Nitroglycerine, sublingual and/or spray;

(v) Naloxone;

(vi) Aspirin PO (oral), for suspected myocardial infarction lessons 1-1, 1-2, 1-3, 2-1, 2-2, 2-3, 2-4, 2-6, 2-7, 3-1, 3-2, 3-3, 4-1, and 4-2; amended by the department February 1999;

(f) Paramedic: The emergency medical technician — Paramedic training course published 1999, as amended by the department January 2000.

(4) Initial training for first responders and EMTs must also include approved infectious disease training that meets the requirements of chapter 70.24 RCW.

(5) **Specialized training**. The department, in conjunction with the advice and assistance of the L&C committee, may approve specialized training for certified EMS personnel to use skills, techniques, or equipment that is not included in standard course curricula. Agencies providing specialized training must have MPD and department approval of:

(a) Course curriculum;

(b) Lesson plans;

(c) Course instructional personnel, who must be experienced and qualified in the area of training;

(d) Student selection criteria;

(e) Criteria for satisfactory completion of the course, including student evaluations and/or examinations;

(f) Prehospital patient care protocols that address the specialized skills.

(6) **Local government agencies**: The department recognizes county agencies established by ordinance and approved by the MPD to coordinate EMS training. These agencies must comply with the requirements of this section.

#### NEW SECTION

**WAC 246-976-031 Senior EMS instructor (SEI).** (1) **Responsibilities**. The SEI is responsible for the overall instructional quality of the course, under the general supervision of the MPD. The SEI must conduct courses following department-approved curricula, and follow the department's policies, procedures and administrative requirements.

(2) **Qualifications**. The department will publish procedures to recognize senior EMS instructors (SEIs).

(3) **Initial recognition**. To apply for initial recognition as a SEI, submit to the department:

(a) Proof of high school graduation, GED or equivalent;

(b) Proof of current Washington certification as an EMT or above;

(c) Proof of at least three years prehospital EMS experience at the EMT level or above;

(d) Proof of at least one recertification;

(e) Proof of current recognition as a CPR instructor for health care providers by the American Heart Association, the American Red Cross, the National Safety Council, or other nationally recognized organization with substantially equivalent standards to any of the above mentioned;

(f) Successful completion of an approved instructor workshop;

(g) Experience assisting with two EMT courses, performing a minimum of three hours of lectures and six hours of practical skills in each course;

(h) Recommendation by the local EMS/TC council;

(i) Recommendation by the MPD.

(4) **Renewal of recognition**. Recognition as a SEI is for three years. To renew recognition, submit to the department:

(a) Proof of current Washington state EMS certification as an EMT or above;

(b) Proof of current or previous recognition as a senior EMS instructor;

(c) Proof of current recognition as a CPR instructor for health care providers by a nationally recognized organization approved by the department;

- (d) Recommendation by the local EMS/TC council;
- (e) Recommendation by the MPD.

**NEW SECTION**

**WAC 246-976-041 To apply for training.** (1) You must be at least eighteen years old at the beginning of the course.

(2) For training at the intermediate (IV, airway and ILS technicians) and advanced life support (paramedic) levels, you must have completed at least one year as a certified EMT or above.

**CERTIFICATION****NEW SECTION**

**WAC 246-976-141 To apply for certification.** (1) Department responsibilities. The department will publish procedures for initial certification which include:

- (a) Examinations. An applicant may have up to three attempts within six months after course completion to successfully complete the examinations;
- (b) The process for administration of examinations; and
- (c) Administrative requirements and the necessary forms.

(2) Applicant responsibilities. To apply for initial certification, submit to the department:

- (a) An application for certification on forms provided by the department;
- (b) Proof of identity: An official photo identification (which may be state, federal or military identification, drivers' license, or passport);
- (c) Proof of age;
- (d) Proof of completion of an approved course or courses for the level of certification sought;
- (e) Proof of completion of approved infectious disease training to meet the requirements of chapter 70.24 RCW;
- (f) Proof of successful completion of an approved examination within eighteen months prior to application;
- (g) Proof of active membership, paid or volunteer, in one of the following EMS/TC organizations:
  - (i) Licensed provider of aid or ambulance services;
  - (ii) Law enforcement agency; or
  - (iii) Other affiliated EMS/TC service;
- (h) The MPD's recommendation for certification;
- (i) For EMTs, proof of high school graduation, GED, or equivalent;
- (j) Other information required by this chapter.

(3) Certification is effective on the date the department issues the certificate, and will be valid for three years except as extended by the department for the efficient processing of license renewals. The expiration date will be indicated on the certification card.

(4) Certification of intermediate level technicians and paramedics is valid only:

- (a) In the county or counties where recommended by the MPD and approved by the department;
- (b) In other counties where formal EMS/TC medical control agreements are in place; or

(c) In other counties when accompanying a patient in transit from a county meeting the criteria in (a) or (b) of this subsection.

With approval of the MPD, a certified intermediate level technician or paramedic may function as an EMT in counties other than those described in (a) through (c) of this subsection.

**NEW SECTION**

**WAC 246-976-151 Reciprocity, challenges, reinstatement and other actions.** (1) The department will publish procedures for:

(a) Reciprocal certification of individuals with current EMS certification in another state, or who are currently recognized by a national accrediting agency approved by the department.

- (i) All applicants must pass an approved examination;
- (ii) Paramedics whose training started after June 30, 1996, must have successfully completed a course accredited by a national accrediting organization approved by the department, and be currently recognized by a national accrediting agency approved by the department;

(b) Reinstatement of individuals whose Washington state EMS/TC certification has lapsed, or been suspended or revoked;

(c) Challenge of prerequisites for certification examinations by individuals who have not completed the course work and practical training required by this chapter, but who document equivalent EMS training and/or experience;

(d) Voluntary reversion from a level of certification to a lower level of certification.

(2) Before granting reciprocity, reinstatement, or challenge, the department will verify that infectious disease training required for EMS/TC personnel by chapter 70.24 RCW has been accomplished.

**NEW SECTION**

**WAC 246-976-161 Continuing medical education (CME), skills maintenance, and ongoing training and evaluation (OTEP).** (1) General requirements. See Tables A and B. You must document your annual CME and skills maintenance requirements, as indicated in the tables. You must complete all CME and skills maintenance requirements for your current certification period to be eligible for recertification.

(2)(a) You must complete the number of MPD-approved CME hours appropriate to your level of certification, as indicated in Table A.

(b) If you are a first responder or EMT, you may choose to complete an approved OTEP program instead of completing the required number of CME hours and taking the recertification exams.

(3) You must demonstrate proficiency in certain critical skills, indicated in Table B, to the satisfaction of the MPD:

- (4) IV starts.
- (a) During your first year of certification as an IV technician, combined IV/airway technician, ILS technician, or

paramedic, you must perform a minimum of thirty-six successful IV starts. EXCEPTION: If you have completed a certification period as an IV or ILS technician, you do not need to meet this requirement during your first year of certification as a paramedic.

(b) By the end of your initial certification period, you must perform a minimum of one hundred eight successful IV starts.

(5) Intubations.

(a) During your first year of certification as an airway technician, combined IV/airway technician, combined

ILS/airway technician or paramedic, you must perform a minimum of twelve successful endotracheal intubations. EXCEPTION: If you have completed a certification period as an airway technician, you do not need to meet this requirement during your first year of certification as a paramedic.

(b) By the end of your initial certification period, you must perform a minimum of thirty-six successful endotracheal intubations.

(6) Description of selected terms used in the table:

TABLE A: CME REQUIREMENTS	Basic Life Support		Intermediate Life Support					Paramedic
	FR	EMT	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
<b>Annual</b>								
CPR & Airway	X	X	X	X	X	X	X	
Spinal Immobilization	X	X	X	X	X	X	X	
Patient Assessment	X	X	X	X	X	X	X	
<b>Certification Period</b>								
Infectious Disease	X	X	X	X	X	X	X	X
Trauma		X	X	X	X	X	X	X
Pharmacology		X	X	X	X	X	X	
Pediatrics	X	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	6 hrs
Other CME, for a total of:	15 hrs	30 hrs	45 hrs	45 hrs	60 hrs	60 hrs	75 hrs	150 hrs
OR, complete an equivalent OTEP program as described in WAC 246-976-171	X	X	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills	per MPD for BLS skills

TABLE B: SKILLS MAINTENANCE REQUIREMENTS	Intermediate Life Support					Paramedic
	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
<b>First Certification Period</b>						
• <b>First Year of Certification</b>						
IV Starts - may not be averaged (see par 4)	36		36	36	36	36
Endotracheal intubations - may not be averaged (see par 5)		12	12		12	12
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• <b>Second and Third Years of Certification</b>						
IV Starts - average (see par 4)	36		36	36	36	36
Endotracheal intubations - average (see par 5)		12	12		12	12
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• <b>During the Certification Period</b>						
Demonstrate pediatric airway proficiency		X	X		X	X
Multi-Lumen Airway				per MPD	per MPD	
Defibrillation				per MPD	per MPD	
<b>Later Certification Periods</b>						
• <b>Annual Requirements</b>						
IV Starts - demonstrate proficiency	X		X	X	X	X
Endotracheal intubations - average (see par 4)		4	4		4	4
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• <b>During the Certification Period</b>						
Demonstrate pediatric airway proficiency		X	X		X	X
Multi-Lumen Airway				per MPD	per MPD	
Defibrillation				per MPD	per MPD	

PERMANENT

- **Infectious disease:** Infectious disease training must meet the requirements of chapter 70.24 RCW.

- **CPR** includes the use of airway adjuncts appropriate to the level of certification.

- **Pharmacology:** Pharmacology specific to the medications approved by your MPD (NOT REQUIRED FOR FIRST RESPONDERS).

- **Pediatrics:** This includes patient assessment, CPR and airway management, and spinal immobilization and packaging.

- **"IV starts":** Proficiency in intravenous catheterization performed on sick, injured, or preoperative adult and pediatric patients. With written authorization of the MPD, IV starts may be performed on artificial training aids.

- **Endotracheal intubation:** Proficiency in endotracheal intubations, at least half of which must be performed on human subjects. With written authorization of the MPD, up to half of the intubations may be performed on artificial training aids.

- **Intraosseous infusion:** Proficiency in intraosseous line placement in pediatric patients.

- **Proficiency:** Ability to perform a skill properly, demonstrated to the satisfaction of the MPD.

- **Pediatric airway:** Proficiency in pediatric airway management.

#### NEW SECTION

**WAC 246-976-171 Recertification.** (1) The department will publish procedures for renewal of certification, including:

(a) An ongoing training and evaluation program (OTEP) of skills as authorized in RCW 18.73.081 (3)(b) for first responders and EMTs; and

(b) Examinations for renewal of certification.

If you are a first responder or an EMT, you may choose to complete an approved OTEP program instead of completing the required number of CME hours and taking the recertification exam.

(2) To apply for renewal of certification, submit to the department on approved forms:

(a) All the information identified in WAC 246-976-141(2); EXCEPT current certification is considered proof of course completion, age, and initial infectious disease training;

(b) Proof of completion of CME and skills maintenance required for the level of certification sought, as defined in this chapter and identified on the table above. For first responders and EMTs, this includes proof of successful demonstration of skills, by:

(i) Successfully completing an approved OTEP; or

(ii) Passing an approved practical examination within the six months prior to application. An applicant changing from the ongoing training and evaluation program to the practical examination program must take the practical examination prior to the end of the certification period.

(b) ~~Not allow the transfer of licenses issued under this~~

#### NEW SECTION

**WAC 246-976-182 Authorized care.** (1) Certified EMS/TC personnel are only authorized to provide patient care that is:

(a) Included in the approved curriculum for the individual's level of certification;

(b) Included in approved specialized training; and

(c) That is included in approved MPD protocols.

(2) When a patient is identified as needing care which is not authorized for the providers, the certified person in charge of that patient must consult with medical control as soon as possible, if protocols and regional patient care procedures do not provide adequate off-line direction for the situation.

(3) For trauma patients, all prehospital providers must follow the approved trauma triage procedures, regional patient care procedures and MPD patient care protocols.

#### NEW SECTION

**WAC 246-976-191 Disciplinary actions.** (1) The department will publish procedures for modification, suspension, revocation, or denial of certification. The procedures will be consistent with the requirements of the Administrative Procedure Act (chapter 34.05 RCW), the Uniform Disciplinary Act (chapter 18.130 RCW), and practice and procedure (chapter 246-10 WAC).

(2) The department will publish procedures:

(a) To investigate complaints and allegations against certified personnel;

(b) For MPDs to recommend corrective action regarding certified individuals.

(3) Before recommending revocation, suspension, modification, or denial of a certificate, the MPD must initiate corrective action with the certified individual, consistent with department procedures.

(4) The MPD may request the department to summarily suspend certification of an individual if the MPD believes that continued certification will be detrimental to patient care.

(5) In cases where the MPD recommends denial of recertification, the department will investigate the individual, and may revoke his or her certification.

(6) If an employing or sponsoring agency disciplines a certified individual for conduct or circumstances as described in RCW 18.130.070, the Uniform Disciplinary Act, the agency must report the cause and the action taken to the department.

#### LICENSURE AND VERIFICATION

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-260 Licenses required.** ~~((1) The department shall:~~

~~(a) Establish and publish procedures for licensure of ambulance and aid services and ambulance and aid vehicles, consistent with the state plan and approved regional plans; chapter.~~

PERMANENT

(2) Applicants for licensure as ambulance or aid services shall submit application to the department following department procedures, including:

(a) Evidence of ability to comply with standards, rules, and regulations of this chapter;

(b) Evidence of operation that is consistent with the state-wide and regional EMS/TC plans and prehospital patient care procedures;

(c) Evidence of liability insurance coverage;

(d) Description of the general area to be served and the number of vehicles to be used.

(3) Licensees shall submit application for renewal of licensure to the department at least thirty days before the expiration of the current license. (1) The department will publish procedures to license ambulance and aid services and vehicles, to provide service that is consistent with the state plan and approved regional plans.

(2) To become licensed as an ambulance or aid service, an applicant must submit application forms to the department, including:

(a) A declaration that the service is able to comply with standards, rules, and regulations of this chapter;

(b) A declaration that staffing will meet the personnel requirements of RCW 18.73.150 and 18.73.170;

(c) A declaration that operation will be consistent with the state-wide and regional EMS/TC plans and approved patient care procedures;

(d) Evidence of liability insurance coverage;

(e) A description of the general area to be served and the number of vehicles to be used. The description includes:

(i) The services to be offered (e.g., emergency response and/or interfacility transports);

(ii) The dispatch process, including a backup plan if the primary unit is unavailable;

(iii) A plan for tiered response that is consistent with approved regional patient care procedures;

(iv) A plan for rendezvous with other services that is consistent with approved regional patient care procedures;

(v) A map of the proposed response area;

(vi) The level of service to be provided: BLS, ILS, or paramedic; and the scheduled hours of operation; and

(vii) For licensed ambulance services, a written plan to continue patient transport if a vehicle becomes disabled, consistent with regional patient care procedures.

(3) To renew a license, submit application forms to the department at least thirty days before the expiration of the current license.

(4) Licensed ambulance and aid services must comply with the approved prehospital trauma triage procedures defined in WAC 246-976-010.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-270 Denial, suspension, revocation of license** (~~—Notice, hearing~~). (1) (~~Under the provisions of the Administrative Procedure Act, chapter 34.05 RCW, and chapter 246-08 WAC, the department may suspend, modify, or revoke any ambulance or aid vehicle license issued under this chapter, or deny licensure to an applicant, when it finds~~

failure to comply with the requirements of chapter 18.73 RCW, or other applicable laws or rules, or with this chapter.

(2) ~~The Uniform Disciplinary Act, chapter 18.130 RCW, governs the unlicensed practice, the issuance and denial of licenses, and the disciplining of persons who hold licenses to operate ambulance or aid services under this chapter. The secretary is authorized by RCW 18.130.040 to be the disciplining authority under this chapter.~~) The department may suspend, modify, or revoke any ambulance or aid service license issued under this chapter, or deny licensure to an applicant when it finds:

(a) Failure to comply with the requirements of chapters 18.71, 18.73, 18.130, or 70.168 RCW, or other applicable laws or rules, or with this chapter;

(b) (~~False, fraudulent, or misleading advertising, or any public claim of authorization to provide a level of service for which the licensee is not authorized or licensed;~~

(~~e~~) Failure to comply or ensure compliance with (~~approved~~) prehospital patient care protocols or regional patient care procedures;

(~~d~~) Failure to cooperate with the department in inspections or investigations;

(~~e~~) Failure to supply data as required in chapter 70.168 RCW and this chapter.

(~~3~~) ~~Licensees or applicants may request a hearing to contest department decisions on license denial, suspension, modification, or revocation by filing a written application in accordance with WAC 246-08-020.~~

(4) (2) Under the provisions of the Administrative Procedure Act, chapter 34.05 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW, the department may impose sanctions against a licensed service (~~which has not been verified under this chapter, but which routinely responds to trauma incidents and/or renders care to patients of trauma in a manner that is not consistent with the approved regional plan. Such sanctions may include but are not limited to action under RCW 18.73.190 and this chapter which may lead to revocation of the service's license, assessment of fines, and/or filing of misdemeanor charges.~~) (~~a~~) as provided in chapter 18.130 RCW. The department (~~shall~~) will not take action against a licensed, nonverified service under this section for providing emergency trauma care consistent with regional patient care procedures when the wait for the arrival of a verified service would place the life of the patient in jeopardy or seriously compromise patient outcome.

(~~b~~) ~~This section shall not restrict the authority of a provider licensed under chapter 18.73 RCW to provide services which it has been authorized to provide by state law, except as addressed by chapter 70.168 RCW and specified in the approved regional plan.~~)

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-290 Ground ambulance vehicle standards.** (1) Essential equipment for patient and provider safety and comfort must be in good working order.

(2) All ambulance vehicles (~~shall~~) must be clearly identified by appropriate emblems and markings on the front, side, and rear of the vehicle.

~~((2))~~ Tires, spare tire, tire changing tools shall meet the following requirements:

~~((a))~~ (3) Tires ~~((shall))~~ must be in good condition with not less than two-thirty-seconds inch useable tread, appropriately sized to support the weight of the vehicle when loaded;

~~((b))~~ One inflated spare tire shall be furnished and stored in a protected area which provides access without removal of the patient;

~~((c))~~ Tire changing tools shall be furnished. Minimum tools shall include a jack, jack handle, and wheel nut wrench. The jack shall be capable of raising any wheel of the loaded ambulance to an adequate height).

~~((3))~~ (4) The electrical system ~~((shall))~~ must meet the following requirements:

~~((a))~~ Interior lighting in the driver compartment ~~((shall))~~ must be designed and located so that no glare is reflected from surrounding areas to the driver's eyes or line of vision from the instrument panel, switch panel, or other areas which may require illumination while the vehicle is in motion;

~~((b))~~ Interior lighting in the patient compartment ~~((shall))~~ must be adequate throughout the compartment, and provide an intensity of twenty foot-candles at the level of the patient ~~((Lights should be controllable from the patient compartment and the driver compartment));~~

~~((c))~~ Exterior lights ~~((shall))~~ must comply with the appropriate sections of Federal Motor Vehicle Safety Standards, and include body-mounted flood lights over the rear door which provide adequate loading visibility;

~~((d))~~ Emergency warning lights ~~((shall))~~ must be provided in accordance with RCW 46.37.380, as administered by the state commission on equipment.

~~((4))~~ (5) Windshield wipers and washers ~~((shall))~~ must be dual, electric, multispeed, and maintained in good condition.

~~((5))~~ (6) Battery and generator system:

~~((The battery shall have))~~ Battery with a minimum seventy ampere hour rating. It must be located in a ventilated area sealed off from the vehicle interior, and completely accessible for checking and removal;

~~((The))~~ Generating system ~~((shall be))~~ capable of supplying the maximum built-in DC electrical current requirements of the ambulance. Extra fuses ~~((shall))~~ must be provided.

~~((6))~~ (7) Seat belts ~~((shall))~~ that comply with Federal Motor Vehicle Safety Standards 207, 208, 209, and 210. Restraints ~~((shall))~~ must be provided in all seat positions in the vehicle, including the attendant station.

~~((7))~~ (8) Mirrors ~~((shall be provided))~~ on the left side and right side of the vehicle. The location of mounting must ~~((be such as to))~~ provide maximum rear vision from the driver's seated position. ~~((There may be an interior rear view mirror to provide the driver with a view of occurrences in the patient compartment.~~

~~((8))~~ (9) One ABC two and one-half pound fire extinguisher ~~((shall be provided)).~~

~~((9))~~ (10) Ambulance body:

~~((a))~~ The length of the patient compartment ~~((shall))~~ must be at least one hundred twelve inches in length, measured from the partition to the inside edge of the rear loading

doors ~~((This length shall provide at least twenty inches, and not more than thirty inches, of unobstructed space at the head of the primary patient, measured from the technician's seat back rest to the forward edge of the cot));~~

~~((b))~~ The width of the patient compartment, after cabinet and cot installation, ~~((shall))~~ must provide at least nine inches of clear walkway between cots or the squad bench ~~((The department recommends at least twenty five inches width of kneeling space alongside the primary cot be provided, measured at the floor for a height of nine inches, from the forward leading edge, half of the length back of the primary cot));~~

~~((c))~~ The height of the patient compartment ~~((shall))~~ must be at least fifty-three inches at the center of the patient area, measured from floor to ceiling, exclusive of cabinets or equipment;

~~((d))~~ There ~~((shall))~~ must be secondary egress from the curb side of the patient compartment;

~~((The back doors shall))~~ Back doors must open in a manner to increase the width for loading patients without blocking existing working lights of the vehicle;

~~((Steps may be provided at door openings if the floor is more than eighteen inches above the ground. Steps shall be of a design to prevent the accumulation of mud, ice, or snow, and shall have a nonskid surface;~~

~~((g))~~ The floor ~~((shall be))~~ at the lowest level permitted by clearances. It ~~((shall))~~ must be flat and unencumbered in the access and work area ~~((There shall be)),~~ with no voids or pockets in the floor to side wall areas where water or moisture can become trapped to cause rusting and/or unsanitary conditions;

~~((h))~~ (g) Floor covering ~~((shall be))~~ applied to the top side of the floor surface. It ~~((shall))~~ must withstand washing with soap and water or disinfectant without damage to the surface. All joints in the floor covering ~~((shall))~~ must have minimal void between matching edges ~~((and shall be)),~~ cemented with a suitable water-proof and chemical-proof cement to eliminate the possibility of joints loosening or lifting;

~~((i))~~ The department recommends all interior fasteners, latches, hinges, etc., should be of a flush type design. When doors are open, the hinges, latches, and door checks shall not protrude into the access area. All hangers or supports for equipment or other items should be flush with the surrounding surface when not in use. ~~((h))~~ The finish of the entire patient compartment ~~((shall))~~ must be impervious to soap and water and disinfectants to permit washing and sanitizing;

~~((j))~~ (i) Exterior surfaces ~~((shall))~~ must be smooth, with appurtenances kept to a minimum;

~~((k))~~ (j) Restraints ~~((shall be))~~ provided for all litters. If the litter is floor supported on its own support wheels, a means ~~((shall))~~ must be provided to secure it in position. These restraints ~~((shall))~~ must permit quick attachment and detachment for quick transfer of patient.

~~((l))~~ (11) Vehicle brakes, tires, regular and special electrical equipment, windshield wipers, heating and cooling units, safety belts, and window glass, ~~((shall))~~ must be in good working order.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-300 Ground ambulance and aid vehicles—Equipment.** Ground ambulance and aid services ~~((shall))~~ must provide ~~((minimum))~~ equipment listed in Table C on each licensed vehicle, ~~((including:))~~ when available for service.

Note: "asst" means assortment

**TABLE C: EQUIPMENT**

	AMBULANCE	AID VEHICLE
<b>AIRWAY MANAGEMENT</b>		
Airway Adjuncts		
Oral airway (adult: sm, med, lg)	1ea	1ea
Oral airway (pediatric: 00, 0, 1,2,3,4)	1ea	1ea
Suction		
Portable, manual	1	1
Vehicle mounted and powered, providing: Minimum of 30 L/min. & vacuum > 300 mm Hg	1	0
Tubing, suction	1	1
Bulb syringe, pediatric	1	1
<u>Rigid suction tips</u>	2	1
<u>Catheters as required by local protocol</u>		
<del>((Adult (14 Fr x 22"))</del>	4	2
<del>Pediatric (6, 8, 10 Fr)</del>	1ea	1ea
<del>Rigid suction tips</del>	2	+
<del>Water, rinsing</del>	Yes	0
<u>Oxygen delivery)) Water-soluble lubricant</u>		
Oxygen delivery system built in	1	0
3000L Oxygen cylinder, 500Lbs PSI minimum, <u>or equivalent liquid oxygen system</u>	1	0
300L Oxygen cylinder, 500Lbs PSI minimum, <u>or equivalent liquid oxygen system</u>	2	1
Regulator, oxygen (0-15+ Liter)	1	1
Cannula, nasal, adult	4	2
<del>((O<sub>2</sub> mask, adult</del>	4	2
<del>O<sub>2</sub> mask, pediatric</del>	2	4))
O <sub>2</sub> mask, nonbreather, adult	4	2
O <sub>2</sub> mask, nonbreather, pediatric	2	1
BVM, with O <sub>2</sub> reservoir	1	1
Adult		((0)) 1
Pediatric (w/sizes neonatal to adult)	1	((0)) 1
Pocket mask or equivalent	((0)) 1	1
<b>PATIENT ASSESSMENT AND CARE</b>		
Assessment		
Sphygmomanometer		
Adult, large	1	0
Adult, regular	1	1
Pediatric	1	0
<del>((Infant</del>	+	0))
Stethoscope, adult	1	1

Note: "asst" means assortment

**TABLE C: EQUIPMENT**

	AMBULANCE	AID VEHICLE
<del>((Pediatric</del>	+	0))
Thermometer, <del>((oral,))</del> hypothermia and hyperthermia	1ea	0
Flashlight, w/spare or rechargeable batteries & bulb	1	1
<u>* Defibrillation capability appropriate to the level of personnel. (*Note: The requirement for defibrillation takes effect January 1, 2002.)</u>		
Personal infection control <u>and protective equipment as required by the department of labor and industries</u>	1	1
<del>((Gloves, exam, nonsterile (box)</del>	+	+
<u>Other equipment per WISHA requirements</u>	Yes	Yes
<b>MEDICAL EMERGENCIES)) TRAUMA EMERGENCIES</b>		
<u>Trauma registry identification bands</u>	Yes	Yes
<u>Triage identification for 12 patients</u>	Yes	Yes
Wound care		
Dressing, sterile	asst	asst
Dressing, sterile, trauma	((4)) 2	((4)) 2
Roller gauze bandage	asst	asst
<del>((Triangular bandage</del>	4	4))
Medical tape	asst	asst
Self adhesive bandage strips	asst	asst
Cold packs	4	2
Occlusive dressings	2	2
Burn sheets	2	2
Scissors, bandage	1	1
Irrigation solution	2	1
Splinting		
Backboard <del>((plywood or equiv))</del> with straps	2	1
<del>((Backboard))</del> Head immobilizer	1	1
<del>((Immobilizer board, pediatric capable))</del> Pediatric immobilization device	1	0
Extrication collars, rigid		((1ea))
Adult (small, medium, large)	((2ea)) asst	asst
Pediatric <u>or functionally equivalent sizes</u>		
Immobilizer, cervical/thoracic, adult	1	0
Splint, traction, adult w/straps	1	0
Splint, traction, pediatric, w/straps	1	0
Splint, adult (arm and leg)	2ea	1ea
Splint, pediatric (arm and leg)	1ea	1ea
General		
Litter, wheeled, collapsible	1	0
Pillows, plastic covered or disposable	2	0
Pillow case	4	0
Sheets	4	0
Blankets	((4)) 2	2
Towels, cloth	4	0
Emesis collection device	1	1
Urinal	1	0
Bed pan	1	0
OB kit	1	1
Extrication		

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Note: "asst" means assortment

TABLE C: EQUIPMENT

	AMBULANCE	AID VEHICLE
Shovel	1	1
Hammer	1	1
Adjustable wrench, 8"	1	1
Hack saw, with blades	1	1
Crowbar, pinch point, ((40")) 36" minimum	1	1
Screwdriver, straight tip, 10" minimum	1	1
Screwdriver, 3 Phillips, 10" minimum	1	1
Wrecking bar, 3' minimum	1	1
Locking pliers	1	1
Bolt cutters, 1/2" min. jaw spread	1	1
Rope, utility, 50' x 3/8"	1	1

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-310 Ground ambulance and aid vehicles—Communications equipment.** (1) ~~((Ground ambulance and aid services shall))~~ Licensed services must provide each licensed ambulance and aid vehicle with communication equipment which:

- (a) Is consistent with state and ~~((approved))~~ regional plans;
- (b) Is in good working order;
- (c) Allows direct two-way communication between the vehicle and its ~~((system))~~ dispatch control point;
- (d) ~~((Uses cellular phones only as a secondary means of communications; and~~
- ~~((e)))~~ Allows communication with ((the)) medical control ((system established in the state communication plan)).
- (2) ~~((In addition to subsection (1) of this section, services shall))~~ If cellular telephones are used, there must also be another method of radio contact with dispatch and medical control for use when cellular service is unavailable.
- (3) Licensed services must provide each licensed ambulance with communication equipment which:
  - (a) Allows direct two-way communication ~~((, from both the driver's and patient's compartments;))~~ with all hospitals in the service area of the vehicle, from both the driver's and patient's compartment;
  - (b) Incorporates appropriate encoding and selective signaling devices; and
  - (c) When transporting patients, allows communications with medical control and designated EMS/TC receiving facilities ~~((state-wide)).~~

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-320 Air ambulance services.** (1) ~~((The department shall:~~

- ~~((a) Issue licenses to air ambulance services and aircraft which meet standards described in this section;~~
- ~~((b) Exclude from licensure requirements those services operating aircraft for primary purposes other than civilian air medical transport, but which may be called into service to initiate an emergency air medical transport of a patient to the~~

~~nearest available treatment facility or rendezvous point with other means of transportation. Examples of services fitting this description include, but are not limited to: United States Army Military Assistance to Safety and Traffic, United States Navy, United States Coast Guard, Search and Rescue, and the United States Department of Transportation.~~

~~((e) Establish and publish minimum standards for air ambulance services, medical transport aircraft, and medical equipment required for licensure. Standards for aircraft shall be consistent with federal aviation administration regulations.~~

~~((2)))~~ Air ambulance services ((shall)) must:

(a) Comply with all regulations in this chapter pertaining to ambulance services and vehicles, except that WAC ~~((246-976-280;))~~ 246-976-290~~((;))~~ and 246-976-300 are replaced for air ambulance services by subsection ~~((3)))~~ (2)(b) and (c) of this section;

(b) Comply with the standards in this section for all types of transports, including inter-facility and prehospital transports;

(c) ~~((Be currently certified as an air taxi under federal aviation regulations Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft. Air ambulance services shall comply with applicable federal aviation regulations contained in Parts 91 and 135, and conduct all maintenance activities in accordance with Part 43. Air ambulance services shall comply with any additional federal aviation administration regulations specifically dealing with air ambulance services))~~ Be in current compliance with all state and Federal Aviation Administration statutes and regulations that apply to air carriers, including, but not limited to, those regulations that apply to certification requirements, operations, equipment, crew members, and maintenance, and any specific regulations that apply to air ambulance services.

~~((3)))~~ (2) Air ambulance services ((shall)) must provide:

(a) A physician director who is:

(i) Practicing medicine in the response area of the aircraft, as identified in the state EMS/TC plan;

(ii) Trained and experienced in emergency, trauma, and critical care;

~~((ii))~~ (iii) Knowledgeable of the operation of air medical services; and

~~((iii))~~ (iv) Responsible for supervising and evaluating the quality of patient care provided by the air medical flight personnel;

(b) Sufficient air medical personnel on each response to provide adequate patient care, specific to the mission, including:

(i) One specially trained, experienced registered nurse or paramedic; and

(ii) One other person who ~~((may))~~ must be a physician, nurse, physician's assistant, respiratory therapist, paramedic, EMT, or other appropriate specialist appointed by the physician director. If an air ambulance responds directly to the scene of an incident, at least one of the air medical personnel ~~((shall))~~ must be trained in prehospital emergency care;

(c) Aircraft that, when operated as air ambulances:

(i) Are configured ~~((in such a way))~~ so that the medical attendants ~~((have access to))~~ can access the patient ~~((in~~

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order)) to begin and maintain advanced life support and other treatment ((modalities));

(ii) Allow loading and unloading the patient without excessive maneuvering or tilting of the stretcher;

(iii) Have appropriate communication equipment to insure internal crew and air-to-ground exchange of information between flight personnel and hospitals, medical control, the flight operations center, and air traffic control facilities;

(iv) Are equipped with:

(A) Appropriate navigational aids;

(B) Airway management equipment, including:

(I) Oxygen;

(II) Suction;

(III) Ventilation and intubation equipment, adult and pediatric;

(C) Cardiac monitor/defibrillator;

(D) Supplies, equipment, and medication as required by the program physician director, for emergency, cardiac, trauma, pediatric care, and other missions; and

(E) The ability to maintain appropriate patient temperature; and

(v) Have adequate interior lighting for patient care arranged so as not to interfere with the pilot's vision;

(d) If using fixed-wing aircraft, pressurized, multi-engine aircraft when appropriate to the mission;

(e) If using helicopter aircraft:

(i) A protective barrier sufficiently isolating the cockpit, ((in order)) to minimize in-flight distraction or interference;

(ii) Appropriate communication equipment to communicate with ground EMS/TC services and public safety vehicles, in addition to the communication equipment specified in (c)(iii) of this subsection.

~~((4))~~ (3) All air medical personnel ((shall)) must:

(a) Be certified in ACLS;

(b) Be trained in:

(i) Emergency, trauma, and critical care;

(ii) Altitude physiology;

(iii) EMS communications;

(iv) Aircraft and flight safety; and

(v) The use of all patient care equipment on board the aircraft;

(c) Be familiar with survival techniques appropriate to the terrain;

(d) Perform under protocols.

~~((5) In instances where))~~ (4) Exceptions:

(a) If aeromedical evacuation of a patient is necessary because of a life threatening condition and a licensed air ambulance is not available, ((patient transportation may be accomplished by)) the nearest available aircraft that can accommodate the patient may transport. The physician ordering the transport ((shall)) must justify the need for air transport of the patient in writing to the department within thirty days after the incident.

(b) Excluded from licensure requirements those services operating aircraft for primary purposes other than civilian air medical transport, but which may be called into service to initiate an emergency air medical transport of a patient to the nearest available treatment facility or rendezvous point with other means of transportation. Examples are: United States Army Military Assistance to Safety and Traffic, United

States Navy, United States Coast Guard, Search and Rescue, and the United States Department of Transportation.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-330 Ambulance and aid services—Record requirements.** (1) Each ambulance and aid ((vehicle)) service ((shall)) must maintain a record of:

(a) Current certification levels of all personnel;

(b) Make, model, and license number of all vehicles; and

(c) Each patient contact with at least the following information:

(i) Names and certification levels of all personnel;

(ii) Date and time of medical emergency;

(iii) Age of patient;

(iv) Applicable components of system response time as defined in this chapter;

(v) Patient vital signs;

(vi) Procedures performed on the patient;

(vii) Mechanism of injury or type of illness;

(viii) Patient destination;

(ix) For trauma patients, other data points identified in ((this chapter)) WAC 246-976-430 for the trauma registry.

(2) Transporting agencies ((shall leave a copy of the patient care record at)) must provide an initial written report of patient care to the receiving facility at the time the patient is delivered.

(3) ~~((Patient records are confidential. Disclosure of patient information shall be governed by applicable state and federal regulations on confidentiality.~~

(4) Licensed services ((shall)) must make all records available for inspection and duplication upon request of the department.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-340 Ambulance and aid services—Inspections and investigations.** (1) The department ((shall)) may conduct periodic, unannounced inspections of licensed ambulances and aid vehicles and services.

(2) If the service is also verified in accordance with WAC 246-976-390, the department ((shall)) will include a review for compliance with verification standards as part of the inspections described in this section.

(3) Licensed services shall make available to the department and provide copies of any printed or written materials relevant to the inspection, verification review, or investigative process in a timely manner.

**((VERIFICATION))**

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-390 Verification of trauma care services.** (1) The department ((shall)) will:

(a) ~~((Develop and provide))~~ Publish procedures ~~((and application forms))~~ for verification. Verification will expire

with the period of licensure. The application for verification will be incorporated in the application for licensure;

~~(b) ((Establish and publish standards for verification of))~~  
Verify prehospital trauma care services in the following categories:

(i) Aid service(~~(:);~~): Basic, intermediate and advanced (paramedic) life support;

(ii) Ground ambulance service(~~(:);~~): Basic, intermediate and advanced (paramedic) life support;

~~((iii) Aid service, intermediate life support;~~

~~(iv) Ambulance service, intermediate life support;~~

~~(v) Aid service, paramedic;~~

~~(vi) Ambulance service, paramedic;))~~

(c) Review the minimum response times for verified prehospital trauma services at least biennially, considering data available from the trauma registry and with the advice of the steering committee;

(d) Forward applications for verification to the appropriate regional council for review and comment;

(e) Approve an applicant to provide verified prehospital trauma care, based on satisfactory evaluations as described in this section;

~~((e))~~ (f) Notify the regional council and the MPD in writing of the name, location, and level of verified services;

~~((f))~~ (g) Renew approval of a verified service upon reapplication, if the service continues to meet standards established in this chapter and ((the needs identified in)) verification remains consistent with the regional ((EMS/TC)) plan.

~~(2) ((For licensed aid services, the department shall:~~

~~(a) Establish and review biennially the minimum number of aid services needed to provide verified nontransport trauma care services based upon distribution and level of service identified for each response area in the approved regional plan;~~

~~(b) Evaluate applicants for aid service trauma verification based upon demonstrated ability of the provider to meet standards defined in this section.~~

~~(3) For licensed ambulance services, the department shall:~~

~~(a) Establish and review biennially the minimum and maximum number of verified ambulance services needed in the state and within each region to assure adequate availability and avoid inefficient duplication and lack of coordination of verified transport trauma care service based upon distribution and level of service identified for each response area identified in the approved regional plan;~~

~~(b) Evaluate applicants for ambulance trauma service verification based upon:~~

~~(i) Demonstrated ability of the provider to meet standards defined in this section;~~

~~(ii) The maximum number of ambulance services for each response area identified in the approved regional plans;~~

~~(iii) Preference for verification of existing licensed EMS/TC agencies, until January 1, 1995;~~

~~(iv) Recommendations from:~~

~~(A) EMS systems established by ordinance, resolution, interlocal agreement, or contract;~~

~~(B) Local government; and~~

~~(C) Local and regional EMS/TC councils;~~

~~(v) Verification shall be renewed upon reapplication, if the service continues to meet standards established in this chapter, and the needs identified in the regional plan.~~

~~(4) The regional councils shall:~~

~~(a) Identify the need for and distribution of verified aid services needed to assure adequate availability of prehospital aid service within the region for each response area, based upon agency response time standards, geography, topography, and population density for:~~

~~(i) Aid service, basic life support;~~

~~(ii) Aid service, intermediate basic life support;~~

~~(iii) Aid service, advanced life support;~~

~~(b) Identify the need for and distribution of verified ambulance services needed to assure adequate availability and avoid inefficient duplication and lack of coordination of prehospital ambulance service within the region for each response area based upon agency response time standards, geography, topography, and population density for:~~

~~(i) Ambulance, basic life support;~~

~~(ii) Ambulance, intermediate life support;~~

~~(iii) Ambulance, advanced life support.~~

~~(5) Licensed ambulance and aid services applying to become verified prehospital trauma care services shall))~~ The department will identify minimum and maximum numbers of prehospital services, based on the approved regional and state plans. The department will:

(a) Establish and review biennially the minimum and maximum number of prehospital services based upon distribution and level of service identified for each response area in the approved regional plan.

(b) Evaluate an applicant for trauma verification based upon demonstrated ability of the provider to meet standards defined in this section 24-hours every day.

(c) Verify the trauma capabilities of a licensed prehospital service if it determines that the applicant:

(i) Proposes services that are identified in the regional plan for ground services, or the state plan for air ambulance services, in the proposed response areas.

(ii) Agrees to operate under approved regional patient care procedures and prehospital patient care protocols.

(3) Regional council responsibilities regarding verification are described in WAC 246-976-960.

(4) To apply for verification, a licensed ambulance or aid service must submit application on forms provided by the department, including:

(a) Documentation required for licensure specified by WAC 246-976-260(2);

(b) ((By July 1, 1995;)) A policy that a trauma training program is required for all personnel responding to trauma incidents. The program ((shall)) must meet learning objectives established by the department and be approved by the MPD;

(c) Documentation that the provider has the ability twenty-four hours every day to deliver personnel and equipment required for verification to the scene of a trauma ((injury)) within the agency response times identified in this section; and

(d) ((By July 1, 1995;)) Documentation that the provider ((is participating)) will participate in an approved regional quality assurance program.

~~((6))~~ (5) Verified aid services ~~((shall))~~ must provide personnel on each trauma response including:

(a) ~~((Aid service,))~~ Basic life support: At least one individual, first responder or above;

(b) ~~((Aid service,))~~ Intermediate life support: ~~((At least one IV/airway technician; or two individuals, one IV technician and one airway technician;))~~

(i) At least one ILS technician; or

(ii) At least one IV/airway technician; or

(iii) At least two individuals, one IV technician and one airway technician.

(c) ~~((Aid service,))~~ Advanced life support - Paramedic: At least one paramedic.

~~((7))~~ (6) Verified ambulance services ~~((shall))~~ must provide personnel on each trauma response including:

(a) ~~((Ambulance,))~~ Basic life support: At least two certified individuals — one EMT plus one first responder;

(b) ~~((Ambulance,))~~ Intermediate life support:

(i) One ILS technician, plus one EMT; or

(ii) One IV/airway technician, plus one EMT; or

~~((#))~~ (iii) One IV technician and one airway technician, ~~((both of whom shall be in attendance in the patient compartment, plus a driver));~~

(c) ~~((Ambulance,))~~ Advanced life support - Paramedic: At least two certified individuals — one paramedic and one EMT.

~~((8))~~ Minimum equipment standards for licensure of basic life support (BLS) units as identified in WAC 246-976-300 shall be the minimum standards for verified BLS units.

~~((9))~~ (7) Verified BLS vehicles must carry equipment identified in WAC 246-976-300, Table C.

(8) Verified ~~((aid and ground ambulance services shall))~~ ILS and paramedic vehicles must provide equipment ~~((on each vehicle, including for intermediate life support (ILS) and paramedic (PAR) level of service))~~ identified in Table D, in addition to meeting the requirements of WAC 246-976-300:

**TABLE D: EQUIPMENT FOR VERIFIED TRAUMA SERVICES**  
(NOTE: "ASST" MEANS ASSORTMENTS)

**AIRWAY MANAGEMENT**

**Airway Adjuncts**

~~((Oral airway (adult: sm, med, lg))~~

~~Oral airway (pediatric: 00,0,1,2,3,4)~~

Adjunctive airways, per protocol

Laryngoscope handle, spare batteries

Adult blades, set

Pediatric blades, straight (0,1,2)

Pediatric blades, curved (2)

McGill forceps, adult & pediatric

ET tubes, adult (±1/2 mm)

ET tubes, pediatric, with stylet

Uncuffed (2.5 - 5.0 mm)

Cuffed or uncuffed (6.0 mm)

End-tidal CO<sub>2</sub> detector

Oxygen saturation monitor

**Suction**

Portable, ~~((manual and))~~ powered

~~((Vehicle mounted and powered; providing: Minimum of 30 L/min. & vacuum > 300 mm Hg~~

**Tubing, suction**

Bulb syringe, pediatric

**Catheters, suctions**

Adult (14 Fr x 22")

Pediatric (6,8,10 Fr)

Rigid suction tips

Water, rinsing

	AMBULANCE		AID VEHICLE	
	PAR	ILS	PAR	ILS
<del>1ea</del>	1ea	1ea	1ea	1ea
<del>1ea</del>	1ea	1ea	1ea	1ea
<del>((0)) 1</del>	1	1	<del>((0)) 1</del>	1
1	1	1	1	1
1	1	1	1	1
1ea	1ea	1ea	1ea	1ea
1ea	1ea	1ea	1ea	1ea
1	1	1	1	1
1ea	1ea	1ea	1ea	1ea
1ea	1ea	1ea	1ea	1ea
1ea	1ea	1ea	1ea	1ea
1	1	1	1	1
1	1	1	1	1
1	1	0	0	0
1	1	1	1	1
1	1	1	1	1
4	4	2	2	2
1ea	1ea	1ea	1ea	1ea
2	2	1	1	1
Yes	Yes	0	0	0

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TABLE D: EQUIPMENT FOR VERIFIED TRAUMA SERVICES

(NOTE: "ASST" MEANS ASSORTMENTS)

	AMBULANCE		AID VEHICLE	
	PAR	ILS	PAR	ILS
<b>Oxygen delivery</b>				
Oxygen delivery system, built in	†	†	0	0
3000L Oxygen cylinder, 500Lbs PSI minimum	†	†	0	0
300L Oxygen cylinder, 500Lbs PSI minimum	2	2	†	†
Regulator, oxygen (0-15+ Liter)	†	†	†	†
Cannula, nasal, adult	4	4	2	2
O <sub>2</sub> mask, adult	4	4	2	2
O <sub>2</sub> mask, pediatric	2	2	†	†
O <sub>2</sub> mask, nonrebreather, adult	4	4	2	2
O <sub>2</sub> mask, nonrebreather, pediatric	2	2	†	†
BVM, w/O <sub>2</sub> reservoir				
Adult	†	†	†	†
Pediatric, (w/sizes neonatal to adult)	†	†	†	†))
<b>PATIENT ASSESSMENT AND CARE</b>				
((Assessment))				
Sphygmomanometer				
Adult, large	1	1	1	1
((Adult, regular	†	†	†	†))
Pediatric	1	1	1	1
((Infant	†	†	†	†
Stethoscope				
Adult	†	†	†	†
Pediatric	†	†	†	†
Thermometer, oral and hypothermia	†ea	†ea	0	0
Flashlight, w/spare or rechargeable batteries & bulb	†	†	†	†
Personal infection control				
Gloves, exam, nonsterile (box)	†	†	†	†
Other equipment per WISHA requirements	Yes	Yes	Yes	Yes
<b>MEDICAL EMERGENCIES</b>				
Wound care				
Dressing, sterile	asst	asst	asst	asst
Dressing, sterile, trauma	4	4	4	4
Roller gauze bandage	asst	asst	asst	asst
Triangular bandage	4	4	4	4
Medical tape	asst	asst	asst	asst
Self-adhesive bandage strips	asst	asst	asst	asst
Cold packs	4	4	2	2
Occlusive dressings	2	2	2	2
Burn sheets	2	2	2	2
Scissors, bandage	†	†	†	†
Irrigation solution	2	2	†	†
Splinting				
Backboard, plywood or equiv with straps	2	2	†	†
Backboard head immobilizer	†	†	†	†

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TABLE D: EQUIPMENT FOR VERIFIED TRAUMA SERVICES

(NOTE: "ASST" MEANS ASSORTMENTS)

	AMBULANCE		AID VEHICLE	
	PAR	ILS	PAR	ILS
Immobilizer board, pediatric capable	†	†	†	†
Extrication collars, rigid				
Adult (small, medium, large)	2ea	2ea	1ea	1ea
Pediatric	asst	asst	asst	asst
Extrication device (immobilizer) adult				
	†	†	†	†
Splint, traction, adult with straps	†	†	†	†
Splint, traction, pediatric, w/straps	†	†	†	†
Splint, adult (arm and leg)	2ea	2ea	1ea	1ea
Splint, pediatric (arm and leg)	1ea	1ea	1ea	1ea))
<b>TRAUMA EMERGENCIES</b>				
IV access				
((Isotonic solution	4L	4L	2L	2L))
Administration sets				
Adult	1	1	1	1
Pediatric, w/volume control	4	4	2	2
Catheters, intravenous (14-24 ga)	asst	asst	asst	asst
Needles				
Hypodermic	asst	asst	asst	asst
Intraosseous, per protocol	2	2	1	1
Sharps container	1	1	1	1
Syringes	asst	asst	asst	asst
Glucose measuring supplies	Yes	((0)) Yes	Yes	((0)) Yes
Pressure infusion device	1	1	1	1
((Cardiac care				
Monitor/defibrillator (manual capable) with necessary supplies	†	0	†	0
<b>General</b>				
Litter, wheeled, collapsible, w/straps	†	†	0	0
Pillows (plastic cover or disposable)	2	2	0	0
Pillow case	4	4	0	0
Sheets	4	4	0	0
Blankets	4	4	2	2
Towels, cloth	4	4	0	0
Emesis collection device	†	†	†	†
Urinal	†	†	0	0
Bed pan	†	†	0	0
OB kit	†	†	†	†
<b>Extrication</b>				
Shovel	†	†	†	†
Hammer	†	†	†	†
Adjustable wrench, 8"	†	†	†	†
Hack saw, with blades	†	†	†	†
Crowbar, pinch point, 40" minimum	†	†	†	†
Screwdriver, straight tip, 10" minimum	†	†	†	†
Screwdriver, 3 Phillips, 10" minimum	†	†	†	†

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TABLE D: EQUIPMENT FOR VERIFIED TRAUMA SERVICES

(NOTE: "ASST" MEANS ASSORTMENTS)

Wrecking bar, 3' minimum  
 Locking pliers  
 Bolt cutters, 1/2" min. jaw spread  
 Rope, utility, 50' x 3/8"  
Medications according to local patient care protocols

	AMBULANCE		AID VEHICLE	
	PAR	ILS	PAR	ILS
Wrecking bar, 3' minimum	+	+	+	+
Locking pliers	+	+	+	+
Bolt cutters, 1/2" min. jaw spread	+	+	+	+
Rope, utility, 50' x 3/8"	+	+	+	+) )

(9) Verified air ambulance services ((shall)) must meet equipment requirements described in WAC 246-976-320.

~~(10) ((By January 1994, all verified trauma services shall participate in the regional quality assurance program established by RCW 70.168.090(2)).~~

~~(11))~~ Verified aid services ((shall)) must meet the following minimum agency response times for all major trauma responses to response areas as defined by the department and identified in the ((approved)) regional plan:

- (a) To urban response areas: Eight minutes or less, eighty percent of the time;
- (b) To suburban response areas: Fifteen minutes or less, eighty percent of the time;
- (c) To rural response areas: Forty-five minutes or less, eighty percent of the time;
- (d) To wilderness response areas: As soon as possible.

~~((12))~~ (11) Verified ground ambulance services ((shall)) must meet the following minimum agency response times for all major trauma responses to response areas as defined by the department and identified in the ((approved)) regional plan:

- (a) To urban response areas: Ten minutes or less, eighty percent of the time;
- (b) To suburban response areas: Twenty minutes or less, eighty percent of the time;
- (c) To rural response areas: Forty-five minutes or less, eighty percent of the time;
- (d) To wilderness response areas: As soon as possible.

~~((13) A verified prehospital trauma care service, or an applicant for verification, may request a variance from the requirements of this section.~~

~~(14) The department may:~~

~~(a) Grant a variance from ambulance and aid service verification requirements for a period not to exceed one year if the department determines:~~

~~(i) No detriment to public health and safety will result from the variance; and~~

~~(ii) Compliance with the provisions of this section will cause a reduction or loss of existing prehospital services;~~

~~(b) Renew a variance. If a renewal is granted, the verified service shall prepare a plan to bring the provider or region into compliance and the expected date of compliance, consistent with the regional EMS/TC plan.)~~ (12) Verified air ambulance services must meet minimum agency response times as identified in the state plan.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-400 Verification—Noncompliance with standards.** If the department finds that a verified pre-hospital trauma care service is out of compliance with verification standards:

(1) The department shall promptly notify in writing: The service, the MPD, the local and regional EMS/TC councils.

(2) ~~((The service shall,))~~ Within thirty days of the department's notification ((by the department)), the service must submit a corrective plan to the department, the MPD and the regional council outlining proposed action to ((bring the service into)) return to compliance.

~~(3) ((The MPD and the regional council shall, within thirty days of receipt of the service's corrective plan, forward their recommendations on the plan to the department.~~

~~(4) The department shall, within thirty days, review the plan and recommendations of the regional council and MPD, and notify the service of acceptance or rejection.~~

~~(5) The regional council may:~~

~~(a) Seek assistance and funding from the department and others to provide training or grants necessary to bring the verified prehospital trauma service into compliance; and/or~~

~~(b) Appeal to the department for modification of the regional plan if it is unable to assure continued compliance with the regional plan.~~

~~(6) The department shall monitor the service's progress in fulfilling the terms of the approved plan.~~

~~(7))~~ If the service is either unable or unwilling to comply with the verification standards, under the provisions of chapter 34.05 RCW, the department may suspend or revoke the verification. The department shall promptly notify the regional council and the MPD of any revocation or suspension of verification.

If the MPD or the regional council receive information that a service is out of compliance with the regional plan, they may forward their recommendations for corrections to the department.

(4) The department will review the plan within thirty days, including consideration of any recommendations from the MPD or regional council. The department will notify the service whether the plan is accepted or rejected.

(5) The department will monitor the service's progress in fulfilling the terms of the approved plan.

PERMANENT

**TRAUMA REGISTRY**

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-420 Trauma registry—Department responsibilities.** ((The department shall:

(1) Establish a state-wide data registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury for the purposes of:

(a) Monitoring and providing information necessary to evaluate major trauma patient care and outcome;

(b) Assessing compliance of prehospital providers, health care facilities, hospitals, and rehabilitation services with the standards of state trauma system operation and designation;

(c) Providing information necessary for resource planning and management;

(d) Providing data for injury surveillance, analysis, and prevention programs; and

(e) Providing a resource for research and education.

(2) Establish criteria to identify patients to be included in the state trauma registry by:

(a) All licensed prehospital providers;

(b) Health care facilities, both designated (all levels) and nondesignated;

(c) Designated trauma rehabilitation services;

(d) Medical examiner reports;

(e) Other sources outside of the EMS/TC system which may include but not be limited to:

(i) Death certificates;

(ii) Washington Fire Incident Report System;

(iii) Commission's Hospital Abstract Reporting System (CHARS); and

(iv) Law enforcement agency records.

(3) Establish, publish, and periodically review the required data elements to be submitted to provide information regarding injury, trauma care, and system operation, in the following categories:

(a) Demographic;

(b) Anatomic;

(c) Physiologic;

(d) Severity;

(e) Epidemiologic;

(f) Resource utilization;

(g) Quality assurance;

(h) Outcome; and

(i) Financial.

(4) Require a case-specific patient identifier common to all data sources used in the registry;

(5) Provide procedures for electronic submission of data, including specifications for necessary software; or provide paper forms for manual submission of data;

(6) For data quality assurance:

(a) Develop detailed protocols for quality control, consistent with the department's most current data quality guidelines;

(b) Perform validity studies to assess the completeness and accuracy of case identification and data collection;

(e) Provide a report on completeness and accuracy of data submitted for each provider submitting data to the registry.

(7) Conclude a pilot of the trauma registry by July 1993, which assesses the impact of data reporting on hospital and prehospital participants, and evaluates the appropriateness of the inclusion criteria and required data elements; and

(8) Evaluate requests from regional EMS/TC councils for collection of voluntarily submitted additional data elements from agencies and facilities in that region.)) (1) **Purpose:** The department maintains a trauma registry, as required by RCW 70.168.060 and 70.168.090. The purpose of this registry is to:

(a) Provide data for injury surveillance, analysis, and prevention programs;

(b) Monitor and evaluate the outcome of care of major trauma patients, in support of state-wide and regional quality assurance and system evaluation activities;

(c) Assess compliance with state standards for trauma care;

(d) Provide information for resource planning, system design and management;

(e) Provide a resource for research and education.

(2) **Confidentiality:** It is essential for the department to protect information regarding specific patients and providers. Data elements related to the identification of individual patient's, provider's, and facility's care outcomes shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence.

(a) The department may release confidential information from the trauma registry in compliance with applicable laws and regulations. No other person may release confidential information from the trauma registry without express written permission from the department.

(b) The department may approve requests for trauma registry data from qualified agencies or individuals, consistent with applicable statutes and rules. The department may charge reasonable costs associated with such requests.

(c) The data elements indicated as confidential in Tables E, F and G below are considered confidential.

(d) The department will establish criteria defining situations in which additional registry information is confidential, in order to protect confidentiality for patients, providers, and facilities.

(e) This paragraph does not limit access to confidential data by approved regional quality assurance programs established under chapter 70.168 RCW and described in WAC 246-976-910.

(3) **Inclusion criteria:** The department will establish inclusion criteria to identify those injured patients that providers must report to the trauma registry.

(a) For all licensed prehospital providers these criteria will include injured patients:

(i) Who were dead at the scene;

(ii) Who died enroute; or

(iii) Who met the criteria of the prehospital trauma triage (destination) procedures.

(b) For designated trauma services these criteria will include all patients who were discharged with ICD diagnosis codes of 800.0 - 904.99, 910 - 959.9 (injuries), 994.1 (drowning), 994.7 (asphyxiation), or 994.8 (electrocution) and:

(i) For whom the hospital trauma resuscitation team was activated;

(ii) Who were dead on arrival at your facility;

(iii) Who were dead at discharge from your facility;

(iv) Who were transferred into your facility from another facility;

(v) Who were transferred out of your facility to another acute care facility; or

(vi) Who were admitted as inpatients to your facility and have a length of stay greater than two days or forty-eight hours.

(c) For all licensed rehabilitation services, these criteria will include all patients who were included in the trauma registry for acute care.

(4) Other data: The department and regional quality assurance programs may request data from medical examiners and coroners in support of the registry.

(5) Data linking: To link data from different sources, the department will establish procedures to assign a unique identifying number (trauma band number) to each trauma patient. All providers reporting to the trauma registry must include this trauma number.

(6) Data submission: The department will establish procedures and format for providers to submit data electronically. These will include a mechanism for the reporting agency to check data for validity and completeness before data is sent to the registry.

(7) Data quality: The department will establish mechanisms to evaluate the quality of trauma registry data. These mechanisms will include at least:

(a) Detailed protocols for quality control, consistent with the department's most current data quality guidelines.

(b) Validity studies to assess the timeliness, completeness and accuracy of case identification and data collection. The department will report quarterly on the timeliness, accuracy and completeness of data.

**(8) Registry reports:**

(a) Annually, the department will report:

(i) Summary statistics and trends for demographic and related information about trauma care, for the state and for each EMS/TC region;

(ii) Outcome measures, for evaluation of clinical care and system-wide quality assurance and quality improvement programs.

(b) Semiannually, the department will report:

(i) Trends, patient care outcomes, and other data, for each EMS/TC region and for the state, for the purpose of regional evaluation;

(ii) On all patient data entered into the trauma registry during the reporting period;

(iii) Aggregate regional data to the regional EMS/TC council, excluding any confidential or identifying data.

(c) The department will provide:

(i) Provider-specific raw data to the provider that originally submitted it;

(ii) Periodic reports on financial data;

(iii) Registry reports to all providers that have submitted data;

(iv) For the generation of quarterly reports to all providers submitting data to the registry, for the purpose of planning, management, and quality assurance.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-430 Trauma registry—Provider responsibilities.** ~~((1) All licensed prehospital services shall:~~

~~(a) Use the following criteria for inclusion of patient data in the trauma registry:~~

~~(i) Trauma victims dead at scene; and~~

~~(ii) All patients meeting trauma triage criteria who are transported to a health care facility;~~

~~(b) Submit required registry data via electronic transfer; or, if authorized in writing by the department, on approved paper forms.~~

~~(2) The first licensed service on the scene shall be responsible for submitting the following data on all patients identified in subsection (1) of this section, treated during each calendar quarter. Data shall arrive at the registry in an approved format no later than ninety days after the end of the quarter:~~

~~(a) Run sheet number;~~

~~(b) Name or name code, when available;~~

~~(c) Date of birth when available;~~

~~(d) Age;~~

~~(e) Sex;~~

~~(f) Agency incident number;~~

~~(g) Patient's trauma identification number;~~

~~(h) Agency identification number;~~

~~(i) First agency on scene (yes/no);~~

~~(j) Transporting agency identification;~~

~~(k) Level of transporting agency (BLS/ALS);~~

~~(l) Incident county code;~~

~~(m) Response area code of incident (urban, suburban, rural, wilderness);~~

~~(n) Date of incident;~~

~~(o) Time;~~

~~(i) Call received;~~

~~(ii) Dispatched;~~

~~(iii) Arrived at scene;~~

~~(p) First scene:~~

~~(i) Systolic blood pressure;~~

~~(ii) Respiratory rate;~~

~~(iii) Pulse;~~

~~(q) Glasgow coma score—eye, verbal, and motor;~~

~~(r) Systolic blood pressure less than ninety mm Hg in field (yes/no);~~

~~(s) Mechanism of injury;~~

~~(t) Prehospital trauma system activation (yes/no);~~

~~(u) Extrication required;~~

~~(v) Patient entrapped (yes/no);~~

~~(w) Safety restraint or device used;~~

~~(x) Field interventions done; and~~

~~(y) Additional information if patient died at scene;~~

~~(i) Patient home zip code;~~

(ii) Patient race and ethnicity when available.

(3) The transporting service shall be responsible for submitting the following data on all patients identified in subsection (1) of this section, treated during each calendar quarter. Data shall arrive at the registry in an approved format no later than ninety days after the end of the quarter:

- (a) Run sheet number or file number;
- (b) Name or name code;
- (c) Date of birth, when available;
- (d) Age;
- (e) Sex;
- (f) Agency incident number;
- (g) Patient's trauma identification number;
- (h) Agency identification number;
- (i) First agency on scene identification number;
- (j) Transporting agency identification;
- (k) Level of transporting agency (BLS/ALS);
- (l) Intra-facility transport;
- (m) Incident county code;
- (n) Response area code of incident (urban, suburban, rural, wilderness);
- (o) Date of incident;
- (p) First hospital transported to (code);
- (q) Second hospital transported to (code);
- (r) Intra-field rendezvous transport agency identification number;
- (s) Time of:
  - (i) Call received;
  - (ii) Dispatch;
  - (iii) Arrival at scene;
  - (iv) Departure from scene;
  - (v) Arrival at intra-field destination or rendezvous;
  - (vi) Arrival at first hospital;
  - (vii) Departure from first hospital;
  - (viii) Arrival at second hospital;
  - (t) First:
    - (i) Systolic blood pressure;
    - (ii) Respiratory rate;
    - (iii) Pulse;
    - (iv) Glasgow coma score—eye, verbal, and motor;
    - (u) Systolic blood pressure less than ninety mm Hg in field;
    - (v) Mechanism of injury;
    - (w) Trauma triage criteria met;
    - (x) Prehospital trauma system activation (yes/no);
    - (y) Extriication required;
    - (z) Patient entrapped (yes/no);
    - (aa) Safety restraint/device used;
    - (bb) Field interventions done;
    - (cc) Receiving hospital contacted (code);
    - (dd) Diverted;
    - (ee) Mode of transport; and
    - (ff) Additional information if patient dies in route:
      - (i) Patient home zip code;
      - (ii) Patient race and/or ethnicity, when available.

(4) Licensed ambulance services transporting patients between facilities shall be responsible for submitting the following data on all patients identified in subsection (1) of this section, treated during each calendar quarter. Data shall

arrive at the registry in an approved format no later than ninety days after the end of the quarter:

- (a) Run sheet number;
- (b) Patient's trauma identification number;
- (c) Agency identification number;
- (d) Inter-facility transfer (yes/no);
- (e) Mode of transport;
- (f) Level of transport (BLS/ALS);
- (g) Time:
  - (i) Call received;
  - (ii) Arrived at hospital;
  - (h) Originating facility (code);
  - (i) Destination facility (code);
- (5) Designated trauma care facilities at all levels shall:
  - (a) Use the following criteria for inclusion of patient data in the trauma registry:
    - (i) All trauma patients dead on arrival at health care facility;
    - (ii) All trauma patients discharged deceased from health care facility;
    - (iii) All trauma patients transferred to another facility;
    - (iv) Other patients with all three of the following:
      - (A) Emergency admit, UB-82; and
      - (B) Length of stay greater than two days or forty-eight hours; and
      - (C) Discharge diagnosis ICD-9-CM codes of 800-904.99 or 910-959.9;
    - (b) Submit required registry data via electronic transfer; or, if authorized in writing by the department, on approved paper forms;
    - (c) Submit the following data for patients identified in (a) of this subsection, who were discharged during each calendar quarter. Data shall arrive at the registry in an approved format no later than ninety days after the end of the quarter:
      - (i) Identification of facility;
      - (ii) Unique patient identification number assigned to the patient by the facility;
      - (iii) Arrival via EMS system;
      - (iv) Prehospital run sheet number, when available;
      - (v) Date of ED arrival;
      - (vi) Time of ED arrival;
      - (vii) Date of incident;
      - (viii) Initial hospital;
      - (ix) Facility patient was transferred from;
      - (x) Patient information:
        - (A) Name or name code;
        - (B) Date of birth;
        - (C) Sex;
        - (D) Race and ethnicity;
        - (E) Patient's trauma identification number;
        - (F) Social Security number;
        - (G) Home zip code number;
        - (H) Organ donor;
      - (xi) Mechanism of injury;
      - (xii) Safety restraint/device used;
      - (xiii) Prehospital index score on admission;
      - (xiv) Time of first contact with ED physician;
      - (xv) Trauma team activated (yes/no);
      - (xvi) Time of call to surgeon;
      - (xvii) Time of arrival of surgeon in ED;

- (xviii) First systolic blood pressure in ED;
- (xix) First temperature in ED;
- (xx) First pulse rate in ED;
- (xxi) First spontaneous respiration rate in ED;
- (xxii) Lowest systolic blood pressure in ED;
- (xxiii) Glasgow coma score in ED—eye, verbal, and motor;
- (xxiv) Patient intubated at first GCS;
- (xxv) Patient pharmacologically paralyzed at first GCS;
- (xxvi) ED procedures performed;
- (xxvii) Time of ED discharge;
- (xxviii) ED discharge disposition;
- (xxix) Admitting service;
- (xxx) CT scan of head done (yes/no);
- (xxx1) Date of head CT scan;
- (xxx2) Time of head CT scan;
- (xxx3) For each operation:
- (A) Date and time patient arrived in operating room;
- (B) Date and time operation started;
- (C) Most recent ICD codes;
- (xxx4) Length of primary stay in intensive care unit;
- (xxx5) Length of readmission stay in intensive care unit;
- (xxx6) Co-morbidity complications;
- (xxx7) Physical therapy consult;
- (xxx8) Date of physical therapy consult;
- (xxx9) Rehabilitation consult;
- (xl) Date of rehabilitation consult;
- (xli) Disability at acute care discharge:
- (A) Feeding;
- (B) Locomotion;
- (C) Expression;
- (xlii) Glasgow outcome score at discharge;
- (xliii) Date of facility discharge;
- (xliv) Time of facility discharge;
- (xlv) Discharge disposition;
- (xlvi) Rehabilitation facility identification number;
- (xlvii) Autopsy done (yes/no);
- (xlviii) Date of death;
- (i) Time of death;
- (I) Most recent ICD diagnosis codes/discharge codes;
- (ii) E-code;
- (iii) Occupational injury;
- (liii) Safety restraint/device used; and
- (liv) Payer source;
- (d) Submit reimbursement information on trauma registry patients annually, including:
- (i) Total billed charges;
- (ii) Remitted reimbursement by each payer category; and
- (iii) Ratio of cost to charges, by department.
- (6) Designated rehabilitation facilities shall:
- (a) Inclusion patient data for the trauma registry on all patients whose primary admission diagnosis is trauma, including ICD diagnosis codes of 800–904.99 or 910–959.9;
- (b) Submit the following data for patients identified in (a) of this subsection, who were discharged during each calendar quarter. Data shall arrive at the registry in an approved format no later than ninety days after the end of the quarter:
- (i) Rehabilitation facility identification number;
- (ii) Trauma tag/identification number;
- (iii) Name or name code;
- (iv) Social Security number;
- (v) Sex;
- (vi) Date of birth;
- (vii) Date of admission to rehabilitation;
- (viii) First admit (yes/no);
- (ix) Continuing admit (yes/no);
- (x) Impairment code, from the national uniform data set;
- (xi) Source of admission;
- (xii) Level of cognitive function on admission (Rancho scale);
- (xiii) Tracheostomy;
- (xiv) Ventilator dependent;
- (xv) Feeding tube;
- (xvi) Admission functional independence measure, from the national uniform data set (FIM or WEE FIM);
- (xvii) Complications;
- (xviii) Premorbid physiological, cognitive, and mental conditions;
- (xix) Highest grade completed;
- (xx) Level of cognitive function on discharge (Rancho scale);
- (xxi) Functional independence measure on discharge, from the national uniform data set (FIM or WEE FIM score);
- (xxii) Discharged with tracheostomy;
- (xxiii) Discharged ventilator dependent;
- (xxiv) Discharged with feeding tube;
- (xxv) Discharge due to medical problem (yes/no);
- (xxvi) Date of discharge due to medical problem;
- (xxvii) Readmitted after medically required interruption;
- (xxviii) Date of readmission after interruption;
- (xxix) Patient did not return after interruption;
- (xxx) Discharged to;
- (xxx1) Social support system;
- (xxx2) Discharge date from rehabilitation;
- (xxx3) Rehabilitation services ordered at discharge;
- (xxx4) Community support system; and
- (xxx5) Payer source—primary and secondary;
- (e) Submit reimbursement information on trauma registry patients annually, including:
- (i) Total billed charges;
- (ii) Remitted reimbursement by each payer category; and
- (iii) Ratio of cost to charges, by department.
- (7) Medical examiners and coroners may:
- (a) Submit data to the registry on all patients with injury listed as an underlying cause or contributing factor to death on the death certificate;
- (b) Submit the following data for all patients meeting the inclusion criteria identified in (a) of this subsection:
- (i) Patient:
- (A) Name or name code;
- (B) Date of birth;
- (C) Social Security number;
- (D) Patient's trauma identification number;
- (E) Gender;
- (F) Race and/or ethnicity;
- (G) Date of incident;
- (H) Date of death; and
- (I) Home zip code;

- (ii) ~~Medical examiner number/coroner identification number;~~
- (iii) ~~Medical examiner/coroner facility identification number;~~
- (iv) ~~Autopsy done;~~
- (v) ~~Mechanism of injury;~~
- (vi) ~~Organ donor;~~
- (vii) ~~Cause of death; and~~
- (viii) ~~Most recent ICD diagnosis code or equivalent description.)~~ (1) Trauma care providers, prehospital and hospital, must place a trauma ID band on trauma patients, if not already in place from another agency.
- (2) All trauma care services must submit required data to the trauma registry in an approved format.
- (3) All trauma care providers must protect the confidentiality of data in their possession and as it is transferred to the department.
- (4) All trauma care providers must correct and resubmit records which fail the department's validity tests described in WAC 246-976-420(6). You must send corrected records to the department within three months of notification.
- (5) Licensed prehospital services must:

- (a) Assure personnel use the trauma ID band.
- (b) Report data as shown in Table E for trauma patients defined in WAC 246-976-420.
- (c) Report incidents occurring in a calendar quarter by the end of the following quarter. The department encourages more frequent data reporting.
- (6) Designated trauma services must:
  - (a) Assure personnel use the trauma ID band.
  - (b) Report data elements shown in Table F for all patients defined in WAC 246-976-420.
  - (c) Report patients discharged in a calendar quarter by the end of the following quarter. The department encourages more frequent data reporting.
- (7) Designated trauma rehabilitation services must:
  - (a) Report data on all patients who were included in the trauma registry for acute care.
  - (b) Report either:
    - (i) Data elements shown in Table G; or
    - (ii) If the service submits data to the uniform data set for medical rehabilitation, provide a copy of the data to the department.

**TABLE E: Prehospital Data Elements for the Washington Trauma Registry**

<b>Data Element</b>	<b>Type of patient</b>	<b>Pre-Hosp No-Trans</b>	<b>Pre-Hosp Transport</b>	<b>Inter-Facility</b>
<u>Note: (C) identifies elements that are confidential. See WAC 246-976-420 (2)(c).</u>				
<b>Incident Information</b>				
<u>Agency identification number (C)</u>		X	X	X
<u>Date of response (C - day only)</u>		X	X	X
<u>Run sheet number (C)</u>		X	X	X
<u>Agency incident number (C)</u>		X	X	X
<u>First agency on scene identification number (C)</u>		X	X	
<u>Transporting agency identification</u>		X	X	
<u>Level of transporting agency</u>		X	X	X
<u>Mode of transport</u>		X	X	X
<u>Incident county code</u>		X	X	
<u>Incident Zip Code</u>		X	X	
<u>Incident location (type)</u>		X	X	
<u>Incident response area type</u>		X	X	
<b>Patient Information</b>				
<u>Patient's trauma identification band number (C)</u>		X	X	X
<u>Name (C)</u>		X	X	X
<u>Date of birth (C), or Age</u>		X	X	X
<u>Sex</u>		X	X	X
<u>If patient died at scene: Patient home Zip Code</u>		X	X	
<u>Mechanism of injury</u>		X	X	
<u>Illness/Injury type code</u>		X	X	
<u>Safety restraint or device used</u>		X	X	

PERMANENT

**TABLE E: Prehospital Data Elements for the Washington Trauma Registry**

<b>Data Element</b>	<b>Type of patient</b>	<b>Pre-Hosp No-Trans</b>	<b>Pre-Hosp Transport</b>	<b>Inter-Facility</b>
<b>Transportation</b>				
Transported from (code) (C - if hospital ID)			X	X
Transported to (code) (C - if hospital ID)			X	X
If rendezvous, assisting agency ID number			X	X
Reason for destination decision			X	X
<b>Times</b>				
Call received		X	X	X
Dispatched		X	X	X
Code Response to scene?		X	X	X
Arrived at scene		X	X	X
Departed from scene			X	X
Code response to destination?			X	X
Arrival at destination			X	X
<b>First Vital Signs</b>				
Time		X	X	X
Systolic blood pressure		X	X	X
Respiratory rate		X	X	X
Pulse		X	X	X
Glasgow coma score		X	X	X
<b>Trauma Triage Criteria</b>				
Vital signs, consciousness level		X	X	
Anatomy of injury		X	X	
Biomechanics of injury		X	X	
Other risk factors		X	X	
Gut feeling of medic		X	X	
Prehospital trauma system activation?		X	X	
<b>Other Severity Measures</b>				
Blunt/Penetrating injury		X	X	
Respiratory effort		X	X	
Consciousness		X	X	
Time (interval) for extrication		X	X	
<b>Treatment: EMS interventions</b>		X	X	X

PERMANENT

**TABLE F: Hospital Data Elements for the  
Washington Trauma Registry**

All licensed hospitals must submit the following data for patients identified in WAC 246-976-420(3):

Note: (C) identifies elements that are confidential. See WAC 246-976-420(2).

**Record Identification**

Identification of reporting facility (C):

Date and time of arrival at reporting facility (C - day only):

Unique patient identification number assigned to the patient by the reporting facility (C):

Patient's trauma identification band number (C):

**Patient Identification**

Name (C):

Date of birth (C - day only):

Sex:

Race:

Social Security number (C):

Home zip code:

**Prehospital Incident Information**

Date of incident (C - day only):

Arrival via EMS system?:

Transporting agency ID number:

Transporting agency run number (C):

Mechanism of injury:

City and county of incident:

If transfer in, facility patient was transferred from (C):

Occupational injury?:

Safety restraint/device used:

**ED or Admitting Information**

Time ED physician called:

ED physician called "code"?:

Time ED physician available for patient care:

Time trauma team activated:

Level of trauma team activation:

Time trauma surgeon called:

Time trauma surgeon available for patient care:

Vital Signs in ED

Patient dead on arrival at your facility?:

First and last systolic blood pressure:

First and last temperature:

First and last pulse rate:

First and last spontaneous respiration rate:

Lowest systolic blood pressure:

Glasgow coma scores (eye, verbal, motor):

Injury Severity scores

Prehospital Index (PHI) score:

Revised Trauma Score (RTS) on admission:

For pediatric patients:

Pediatric Trauma Score (PTS) on admission:

Pediatric Risk of Mortality (PRISM) score on admission:

Pediatric Risk of Mortality - Probability of Survival (PRISM P(s)):

Pediatric Overall Performance Category (POPC):

Pediatric Cerebral Performance Category (PCPC):

ED procedures performed:

Time of ED discharge:

ED discharge disposition, including

If admitted, the admitting service:

If transferred out, ID of receiving hospital

**Diagnostic and Consultative Information**

Date and time of head CT scan:

Date of physical therapy consult:

Date of rehabilitation consult:

Blood alcohol content:

Toxicology screen results:

Co-morbid factors/Preexisting conditions:

**Surgical Information**

For the first operation:

Date and time patient arrived in operating room:

Date and time operation started:

OR procedure codes:

For later operations:

Date of operation

OR Procedure Codes

**Critical Care Unit Information**

Date and time of admission for primary stay in critical care unit:

Date and time of discharge from primary stay in critical care unit:

Length of readmission stay(s) in critical care unit:

**Other procedures performed (not in OR)**

**Discharge Status**

Date and time of facility discharge (C - day only):

Most recent ICD diagnosis codes/discharge codes, including nontrauma codes:

E-codes, primary and secondary:

Glasgow Score at discharge:

Disability at discharge (Feeding/Locomotion/Expression)

**Discharge disposition**

If transferred out, ID of facility patient was transferred to (C)

If patient died in your facility

Date and time of death (C - day only):

Was an autopsy done?:

Was case referred to coroner or medical examiner?

Did coroner or medical examiner accept jurisdiction?

Was patient evaluated for organ donation?

**Financial Information (All Confidential)**

For each patient

Total billed charges:

Payer sources (by category):

Reimbursement received (by payer category):

Annually, submit ratio-of-costs-to-charges, by department.

**TABLE G: Data Elements for Designated Rehabilitation Services**

Designated trauma rehabilitation services must submit the following data for patients identified in WAC 246-976-420(3).

Note: (C) identifies elements that are confidential. WAC 246-976-420(2)

**Rehabilitation services, Levels I and II**

**Patient Information**

- Facility ID (C)
- Facility Code
- Patient Code
- Trauma tag/identification Number (C)
- Date of Birth (C - day only)
- Social Security Number (C)
- Patient Name (C)
- Patient Sex

**Care Information**

- Date of Admission (C - day only)
- Admission Class
- Date of Discharge (C - day only)
- Impairment Group Code
- ASIA Impairment Scale

**Diagnosis (ICD-9) Codes**

- Etiologic Diagnosis
- Other significant diagnoses
- Complications/comorbidities
- Diagnosis for transfer or death

**Other Information**

- Date of onset
- Admit from (Type of facility)
- Admit from (ID of facility)
- Acute trauma care by (ID of facility)
- Prehospital living setting
- Prehospital vocational category
- Discharge-to-living setting

**Functional Independence Measure (FIM) - One set on admission and one on discharge**

- Self Care
  - Eating
  - Grooming
  - Bathing
  - Dressing - Upper
  - Dressing - Lower
  - Toileting
- Sphincter control
  - Bladder
  - Bowel
- Transfers
  - Bed/chair/wheelchair
  - Toilet
  - Tub/shower
- Locomotion
  - Walk/wheelchair
  - Stairs
- Communication

- Comprehension
- Expression
- Social cognition
- Social interaction
- Problem solving
- Memory

**Payment Information (all confidential)**

- Payer source - primary and secondary
- Total Charges
- Remitted reimbursement by category

**Rehabilitation, Level III**

**Patient Information**

- Facility ID (C)
- Patient number (C)
- Trauma tag/identification Number (C)
- Social Security Number (C)
- Patient Name (C)

**Care Information**

- Date of Admission (C - day only)

**Impairment Group Code**

**Diagnosis (ICD-9) Codes**

- Etiologic Diagnosis
- Other significant diagnoses
- Complications/comorbidities

**Other Information**

- Admit from (Type of facility)
- Admit from (ID of facility) (C)
- Acute trauma care given by (ID of facility) (C)
- Inpatient trauma rehabilitation given by (ID of facility) (C)
- Discharge-to-living setting

**Payment Information (all confidential)**

- Payer source - primary and secondary
- Total Charges
- Remitted reimbursement by category

**SYSTEM ADMINISTRATION**

AMENDATORY SECTION (Amending WSR 98-04-038, filed 1/29/98, effective 3/1/98)

**WAC 246-976-890 Interhospital transfer guidelines and agreements.** ((Facilities providing)) Designated trauma ((care)) services ((shall)) must:

(1) Have written guidelines for the identification and transfer of patients with special ((trauma)) care needs exceeding the capabilities of the trauma ((care)) service.

(2) Have written transfer agreements with other designated trauma ((care)) services ((which include)). The agreements must address the responsibility of the transferring hospital ((and of)), the receiving hospital, and the prehospital transport agency, including a mechanism ((for assignment of)) to assign medical control during interhospital transfer.

(3) Have written guidelines to identify trauma patients who are transferred in from other facilities, whether admitted

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through the emergency department or directly into other hospital services.

(4) Use verified prehospital trauma services for interfacility transfer of trauma patients.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-910** (~~(EMS and trauma care system)~~)

**Regional quality assurance and improvement program.**

~~((1) The department shall:~~

~~(a) Provide guidelines for regional EMS/TC system quality assurance to evaluate regional trauma care delivery, patient care outcomes, and compliance with the requirements of this chapter; and~~

~~(b) Review and approve regional quality assurance activities.~~

~~(2) Levels I, II, and III trauma care facilities shall establish and participate in regional EMS/TC systems quality assurance programs.~~

~~(3) The regional quality assurance program:~~

~~(a) Shall include at least one member of each designated facility's medical staff, an EMS provider, and a member of the EMS/TC regional council; and~~

~~(b) In regions with facilities jointly designated under WAC 246-976-470 (3)(b), shall include at least one member who does not reside or work in the region.~~

~~(4) The regional quality assurance program shall invite the MPD and all other health care providers and facilities providing trauma care in the region, including nondesignated facilities and nonverified prehospital services, to participate in the regional trauma quality assurance program.~~

~~(5) The regional quality assurance program shall include a written plan for implementation including:~~

~~(a) Scope of all services offered in the region;~~

~~(b) Ongoing assessment of performance of the regional EMS and trauma care system, based on data supplied by the trauma registry and other sources, including:~~

~~(i) Trauma care delivery;~~

~~(ii) Patient care outcomes, including pediatric and adult patient outcomes;~~

~~(iii) Unexpected deaths; and~~

~~(iv) Compliance with the requirements of chapter 70.168 RCW, and this chapter;~~

~~(e) Identification and analysis of trends, patient care outcomes, and other information, based on trauma registry data;~~

~~(d) Periodic assessment of data concerning aspects of patient care;~~

~~(e) Policies regarding confidentiality of data elements related to identification of provider's and facility's care outcomes, in accordance with chapter 70.168 RCW;~~

~~(f) Policies regarding confidentiality and release of patient care quality assurance committee minutes, records, and reports in accordance with RCW 70.168.090(4), including a requirement that each attendee of a regional quality assurance committee meeting is informed in writing of the confidentiality requirement. Information identifying individual patients shall not be publicly disclosed without the patient's consent;~~

~~(g) Policies regarding confidentiality of documentation of the results of inquiries involving patient care issues; and~~

~~(h) Provision for feedback to the department and the regional council on identified EMS/TC issues and concerns.)~~ (1) The department will:

(a) Develop guidelines for a regional EMS/TC system quality assurance and improvement program including:

(i) Purpose and principles of the program;

(ii) Establishing and maintaining the program;

(iii) Process;

(iv) Membership of the quality assurance and improvement program committee;

(v) Authority and responsibilities of the quality assurance and improvement program committee;

(b) Review and approve written regional quality assurance and improvement plans;

(c) Provide trauma registry data to regional quality assurance and improvement programs in the following formats:

(i) Quarterly standard reports;

(ii) Ad hoc reports as requested according to department guidelines.

(2) Levels I, II, and III, and Level I, II and III pediatric trauma care services must:

(a) Establish, coordinate and participate in regional EMS/TC systems quality assurance and improvement programs;

(b) Ensure participation in the regional quality assurance and improvement program of:

(i) Their trauma service director or codirector; and

(ii) The RN who coordinates the trauma service;

(c) Ensure maintenance and continuation of the regional quality assurance and improvement program.

(3) The regional quality assurance and improvement program committee must include:

(a) At least one member of each designated facility's medical staff;

(b) The RN coordinator of each designated trauma service;

(c) An EMS provider.

(4) The regional quality assurance program must invite the MPD and all other health care providers and facilities providing trauma care in the region, to participate in the regional trauma quality assurance program.

(5) The regional quality assurance and improvement program may invite:

(a) One or more regional EMS/TC council members;

(b) A trauma care provider who does not work or reside in the region.

(6) The regional quality assurance and improvement program must include a written plan for implementation including:

(a) Operational policies and procedures that detail committee actions and processes;

(b) Audit filters for adult and pediatric patients;

(c) Monitoring compliance with the requirements of chapter 70.168 RCW and this chapter;

(d) Policies and procedures for notifying the department and the regional EMS/TC council of identified regional or state-wide trauma system issues, and any recommendations;

(e) Policies regarding confidentiality of:

(i) Information related to provider's and facility's clinical care, and patient outcomes, in accordance with chapter 70.168 RCW;

(ii) Quality assurance and improvement committee minutes, records, and reports in accordance with RCW 70.168.090(4), including a requirement that each attendee of a regional quality assurance and improvement committee meeting is informed in writing of the confidentiality requirement. Information identifying individual patients may not be publicly disclosed without the patient's consent.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-920 Medical program director.** ~~((1))~~  
The department shall:

~~(a) In conjunction with the state EMS/TC committee, evaluate, certify, and terminate certification of MPDs for a county, group of counties, or cities with populations over four hundred thousand, in coordination with the recommendations of the local medical community and local EMS/TC council;~~

~~(b) Withdraw certification of MPDs on receipt of written resignation;~~

~~(c) Defend and hold harmless MPDs, delegates, or agents for any act or omission committed or omitted in good faith in the performance of his or her duties.~~

~~((2))~~ (1) The MPD ~~((shall))~~ must:

(a) Be knowledgeable in the administration and management of prehospital emergency medical care and services;

(b) Provide medical control and direction of EMS/TC certified personnel in their medical duties, by oral or written communication;

(c) Develop and adopt written prehospital patient care protocols to direct EMS/TC certified personnel in patient care. These protocols ~~((shall be based upon the assessment of the patients' medical needs. The protocols shall meet or exceed state-wide minimum standards for trauma and other prehospital care services))~~ may not conflict with regional patient care procedures or with the authorized care of the certified prehospital personnel as described in WAC 246-976-182;

(d) Establish protocols for storing, dispensing, and administering controlled substances, in accordance with state and federal regulations and guidelines;

(e) ~~((Consult))~~ Participate with the local and regional EMS/TC councils and emergency communications centers to develop and ~~((approve))~~ revise regional patient care procedures;

(f) Participate with the local and regional EMS/TC councils to develop and revise regional plans and make timely recommendations to the regional council;

(g) Work within the parameters of the approved regional patient care procedures and the regional plan;

~~((g))~~ (h) Supervise training of all EMS/TC certified personnel;

~~((h))~~ (i) Develop protocols for special training described in WAC ~~((246-976-040))~~ 246-976-021(5);

~~((i))~~ (j) Periodically audit the ~~((educational))~~ medical care performance~~((, skill maintenance, and field perfor-~~

~~mance))~~ of EMS/TC certified personnel~~((, for quality assurance purposes));~~

~~((f))~~ (k) Recommend to the department certification, recertification, or denial of certification of EMS/TC personnel;

~~((k))~~ (l) Recommend to the department disciplinary action to be taken against EMS/TC personnel, which may include modification, suspension, or revocation of certification;

~~((l) Review and make recommendations))~~ (m) Recommend to the department ~~((for))~~ individuals applying for recognition ~~((or renewal of recognition))~~ as senior ~~((EMT))~~ EMS instructors.

~~((3))~~ (2) In accordance with department policies and procedures, the MPD may:

(a) Delegate ~~((in writing any duties, other than those described above in subsection (2)(e), (j), and (k) of this section, to other physicians))~~ duties to other physicians, except for duties described in subsection (1)(c), (k), and (l) of this section. The delegation must be in writing;

(i) The MPD ~~((shall))~~ must notify the department in writing of the names and duties of individuals so delegated, within fourteen days;

(ii) The MPD may remove delegated authority at any time, which shall be effective upon written notice to the delegate and the department;

(b) Delegate ~~((in writing))~~ duties relating to training, evaluation, or examination of certified EMS/TC personnel, to qualified nonphysicians. The delegation must be in writing;

(c) Enter into EMS/TC medical control agreements with other MPDs;

(d) Recommend denial of certification to the department for any ~~((student))~~ applicant the MPD ~~((deems))~~ can document is unable to function as an EMS provider, ~~((despite))~~ regardless of successful completion of ~~((MPD-approved))~~ training, evaluation, or examinations; and

(e) ~~((Require))~~ Utilize examinations to determine the knowledge and abilities of IV technicians, airway technicians, intermediate life support technicians, or paramedics prior to recommending applicants for certification or recertification. ~~((If such examinations are required, the MPD shall conduct at least one examination annually, and may conduct examinations more often if necessary.~~

~~((4))~~ (3) The department may withdraw the certification of an MPD ~~((when~~

(a) ~~The MPD fails to maintain eligibility under this chapter;~~

(b) ~~The MPD fails to perform the duties assigned under this chapter;~~

(c) ~~The MPD demonstrates unwillingness or inability to perform duties under this chapter;~~

(d) ~~The local EMS/TC council or the local medical community recommends revocation to the department)~~ for failure to comply with the Uniform Disciplinary Act (chapter 18.130 RCW) and other applicable statutes and regulations.

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AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-930 General responsibilities of the department.** ~~((1) The department shall establish:~~

~~(a) The minimum and maximum number of hospitals and health care facilities in the state and within each EMS/TC planning and service region that may provide designated trauma care services based upon approved regional EMS/TC plans;~~

~~(b) The minimum and maximum number of prehospital providers in the state and within each EMS/TC planning and service region that may provide verified trauma care services based upon approved regional EMS/TC plans.~~

~~(2) The department shall designate hospitals and health care facilities to provide designated trauma care services in accordance with needs identified in the state-wide EMS/TC plan.~~

~~(3) The department shall design and establish the state-wide trauma care registry as authorized in RCW 70.168.090.~~

~~(4) The department shall develop prehospital trauma triage procedures and interfacility transfer guidelines, for adult and pediatric patients, and review them biennially with the advice of the steering committee.~~

~~(5) The department shall create:~~

~~(a) An EMS/TC licensing and certification advisory committee of eleven members, and appoint members, including a balance of physicians, one of whom is an MPD, and individuals regulated under RCW 18.71.205 and 18.73.081, an administrator from a city or county EMS/TC system, a member of the steering committee, and one consumer. All members except the consumer shall be knowledgeable in specific and general aspects of EMS/TC. Members shall be appointed for a period of three years. The terms of those members representing the same field shall not expire at the same time;~~

~~(b) Regional EMS/TC councils and appoint members, including a balance of hospital and prehospital trauma care and EMS providers, local elected officials, consumers, local law enforcement representatives, local government agencies, physicians, EMS/TC educators, and prevention specialists involved in the delivery of EMS/TC services recommended by the local EMS/TC councils within the region.~~

~~(6) The department shall develop standards and a process and schedule for biennial update of regional and state-wide planning.~~

~~(7)) In addition to the requirements described in chapters 18.71, 18.73, and 70.168 RCW, and elsewhere in this chapter:~~

~~(1) The department shall review, recommend changes to, and approve regional plans and regional patient care procedures based on the requirements of this chapter and recommendations from the steering committee, and upon consideration of the needs of ((trauma)) patients ((whose care may require resources from more than one region and/or from adjacent states.~~

~~(8) The department shall develop and publish a state-wide EMS/TC plan that:~~

~~(a) Identifies state-wide EMS/TC objectives and priorities and identifies equipment, facility, personnel, training,~~

~~prevention, and other needs required to create and maintain a state-wide EMS/TC system;~~

~~(b) Is formulated by incorporating the regional EMS/TC plans required under chapter 70.168 RCW;~~

~~(c) Shall be updated every two years and shall be made available to the state board of health in sufficient time to be considered in preparation of the biennial state health report required in RCW 43.20.050;~~

~~(d) Includes a state EMS/TC communication plan for formulating the system based on regional plans and legislative intent. The communications system plan shall:~~

~~(i) Provide for a communication network to support medical control;~~

~~(ii) Establish guidelines for EMD training for all EMS dispatch personnel; and~~

~~(iii) Establish minimum communications equipment levels for licensed ambulance and aid vehicles;~~

~~(e) Provides for interagency coordination, administration, and regulation of the state-wide EMS/TC communications plan.~~

~~(9) From available funds, the department shall make EMS systems development grants to regional councils:~~

~~(a) To support regional EMS/TC council operations;~~

~~(b) To support regional council matching grant programs described in WAC 246-976-960 (1)(f), giving priority to achievement of minimum standards of this chapter, and other purposes and priorities established with the advice of the steering committee)).~~

~~((10)) (a) The department may approve regional plans which include standards that are consistent with chapter 70.168 RCW and other state and federal laws, but which exceed the requirements of this chapter.~~

~~(b) The department will develop a process for biennial update of regional and state-wide planning. The process will include provisions to amend regional plans between biennial updates.~~

~~(2) The department will publish standards for minimum required knowledge and skill objectives for ongoing training and evaluation programs (OTEP) for first responders and EMTs, as authorized in RCW 18.73.081 (3)(b). The department will publish procedures to approve OTEPs.~~

~~(3) The department will publish prehospital trauma triage procedures for activation of the trauma system from the field. The procedures will include assessment of the patient's:~~

~~(a) Vital signs and level of consciousness;~~

~~(b) Anatomy of injury;~~

~~(c) Biomechanics of the injury; and~~

~~(d) Comorbid and associated risk factors.~~

~~(4) The department may approve pilot programs and projects which have:~~

~~(a) Stated objectives;~~

~~(b) A specified beginning and ending date;~~

~~(c) An identified way to measure the outcome;~~

~~(d) A review process;~~

~~(e) A work plan with a time line;~~

~~(f) If training of EMS/TC personnel is involved, consistency with the requirements of WAC 246-976-021(5).~~

~~(5) The department ((shall)) will review ((biennially)) at least every four years:~~

(a) Rules, policies, and standards for EMS/TC, with the advice of the steering committee;

(b) Rules and standards for licensure of services and vehicles, and for certification of EMS/TC personnel, with the advice of the L&C committee;

~~((c) Minimum response times for verified prehospital trauma care services, considering data available from the trauma registry and with the advice of the steering committee.~~

~~(11) The department shall develop a format for evaluating the performance of MPDs consistent with WAC 246-976-920.~~

~~(12) The department shall develop and maintain the trauma prevention and education program as an integral component of the EMS/TC system.~~

~~(13) The department may:~~

~~(a) Recognize as an affiliated EMS services, those organizations which are not required to be licensed under chapter 18.73 RCW, but which are:~~

~~(i) Recommended for affiliation by the local EMS/TC council and the MPD;~~

~~(ii) Identified in the regional plan as part of the EMS/TC system;~~

~~(b) Approve pilot programs and projects which have:~~

~~(i) Stated objectives;~~

~~(ii) A specified beginning and ending date;~~

~~(iii) An identified way of measuring the outcome;~~

~~(iv) A review process;~~

~~(v) A work plan with a time line;~~

~~(vi) Consistency with regional and state plans;~~

~~(vii) If training of certified EMS/TC personnel involved, consistency with the requirements of WAC 246-976-040;~~

~~(e) Appoint a communications advisory committee, with members who are users of EMS/TC communications and providers of EMS/TC services.))~~

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-940 Steering committee. In addition to the requirements of chapter 70.168 RCW and elsewhere in this chapter, the EMS/TC steering committee ((shall) will:

(1) Review and comment on the department's rules, policies, and standards ((for EMS/TC at least biennially));

(2) ((Review and comment on rules proposed by the department for EMS/TC;

(3))) Review and comment on the department's budget for the EMS/TC system at least biennially;

((4) Advise the department regarding EMS/TC needs and proposed funding throughout the state;

(5) Review the regional EMS/TC plans and recommend changes to the department before the department adopts the plans;

(6) Advise the department on disbursement of grants to regional councils and nonprofit agencies for the development, implementation, and enhancement of the EMS/TC system; and

(7) Review the department's prehospital triage guidelines and inter-facility transfer guidelines biennially.)) (3) Periodically review and recommend changes to:

(a) The department's prehospital triage procedures;

(b) Regional patient care procedures;

(c) Regional plans; and

(d) Inter-facility transfer guidelines.

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-950 Licensing and certification committee. In addition to the requirements of RCW 18.73.050, the licensing and certification committee ((shall: (1) Review and comment on proposed licensing and certification rules under chapters 18.71 and 18.73 RCW;

(2))) will review and comment biennially on the department's EMS/TC rules and standards pertaining to licensure of vehicles and services, verification of services, and to certification of individuals((;

(3) Assist the department, at the department's request, to fulfill any duty or exercise any power under this chapter pertaining to EMS/TC licensing and certification)).

AMENDATORY SECTION (Amending Order 323, filed 12/23/92, effective 1/23/93)

WAC 246-976-960 Regional emergency medical services and trauma care councils. ((1) Regional councils shall:

(a) At least semiannually, identify and analyze trends and patient care outcomes, based on trauma registry data provided by the department, to evaluate the EMS/TC system and its component subsystems;

(b) Develop and submit to the department regional EMS/TC plans to:

(i) Assess and analyze regional EMS/TC needs;

(ii) Identify personnel, agencies, facilities, equipment, training, prevention programs, and education to meet regional and local needs;

(iii) Identify specific activities necessary to meet statewide standards and patient care outcomes and develop a plan of implementation for regional compliance;

(iv) Establish and review agreements with regional providers necessary to meet state standards;

(v) Establish agreements with providers outside the region to facilitate patient transfer;

(vi) Include a regional budget identifying the amount, source, and purpose of all gifts and payments;

(vii) Establish the number and level of facilities to be designated, consistent with department guidelines and based on availability of resources and the distribution of trauma within the region;

(viii) Identify the need for and recommend distribution and level of care of prehospital services, to assure adequate availability and avoid inefficient duplication and lack of coordination of prehospital services within the region;

(ix) Include other specific elements defined by the department;

(x) Identify EMS/TC services and resources currently available within the region;

(xi) Describe how the roles and responsibilities of the MPD are coordinated with those of the regional EMS/TC council;

(xii) Describe and recommend improvements in medical control communications and EMS/TC dispatch, with at least the elements of the state communication plan described in WAC 246-976-930 (1)(i)(iv); and

(xiii) Include a schedule for implementation;

(e) In developing or updating its plan:

(i) Seek and consider the recommendations of:

(A) Local EMS/TC councils;

(B) Counties, cities, or other governmental bodies that have established an EMS/TC system by ordinance, resolution, interlocal agreement, or contract; and

(ii) Use the regional and state analyses provided by the department based on trauma registry data and other appropriate sources;

(d) Advise the department on matters relating to the delivery of EMS/TC within the region;

(e) Provide data required by the department to assess the effectiveness of the EMS/TC system;

(f) Provide matching grants from funds made available by the department. These funds shall:

(i) Not exceed fifty percent of the cost of the proposal for which the grant is made; except, the department may waive or modify the matching requirement if it determines insufficient local funding exists and the public health and safety would be jeopardized if the proposal were not funded;

(ii) Be made available to any public or private nonprofit agency which in the judgment of the council will best fulfill the purpose of the grant;

(iii) Be awarded to:

(A) Establish, develop, expand, and improve the EMS/TC system;

(B) Purchase EMS/TC equipment;

(C) Provide training and continuing education for EMS/TC personnel;

(D) Research and development activities pertaining to EMS/TC;

(E) Develop, implement, and evaluate prevention programs; or

(F) Accomplish other purposes as approved by the department;

(g) Adopt patient care procedures in consultation with the MPDs, local councils, and emergency communications centers. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW, and:

(i) Identify types and expected volume of trauma that may exceed regional capabilities, taking into consideration resources available in other regions and adjacent states;

(ii) Include a description of activation of the trauma system.

(2) In areas where no local EMS/TC council exists, the regional EMS/TC council shall have all the authority, duties,

and responsibilities of the local council, as described in WAC 246-976-970.

(3) Regional councils may:

(a) Apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person;

(b) Use these funds for any activities related to the design, maintenance, or enhancements of the EMS/TC system in the region; or

(c) Establish regional standards in the plan, including response times for verified services, which exceed the minimum requirements of this chapter.

(4) An EMS/TC provider who disagrees with the regional plan may appeal to the steering committee before the department approves the plan.)) (1) In addition to meeting the requirements of chapter 70.168 RCW and elsewhere in this chapter, regional EMS/TC councils must:

(a) Identify and analyze system trends to evaluate the EMS/TC system and its component subsystems, using trauma registry data provided by the department;

(b) Develop and submit to the department regional EMS/TC plans to:

(i) Identify the need for and recommend distribution and level of care (basic, intermediate or advanced life support) for verified aid and ambulance services for each response area. The recommendations will be based on criteria established by the department relating to agency response times, geography, topography, and population density;

(ii) Identify EMS/TC services and resources currently available within the region;

(iii) Describe how the roles and responsibilities of the MPD are coordinated with those of the regional EMS/TC council and the regional plan;

(iv) Describe and recommend improvements in medical control communications and EMS/TC dispatch, with at least the elements of the state communication plan described in RCW 70.168.060 (1)(h);

(v) Include a schedule for implementation.

(2) In developing or modifying its plan, the regional council must seek and consider the recommendations of:

(a) Local EMS/TC councils;

(b) EMS/TC systems established by ordinance, resolution, interlocal agreement or contract by counties, cities, or other governmental bodies.

(3) In developing or modifying its plan, the regional council must use regional and state analyses provided by the department based on trauma registry data and other appropriate sources;

(4) Approved regional plans may include standards, including response times for verified services, which exceed the requirements of this chapter.

(5) An EMS/TC provider who disagrees with the regional plan may bring its concerns to the steering committee before the department approves the plan.

(6) The regional council must adopt regional patient care procedures as part of the regional plans. In addition to meeting the requirements of RCW 18.73.030(14) and 70.168.-015(23):

(a) For all emergency patients, regional patient care procedures must identify:

(i) Guidelines for rendezvous with agencies offering higher levels of service if appropriate and available, in accordance with the regional plan.

(ii) The type of facility to receive the patient, as described in regional patient destination and disposition guidelines.

(iii) Procedures to handle types and volumes of trauma that may exceed regional capabilities, taking into consideration resources available in other regions and adjacent states.

(b) For major trauma patients, regional patient care procedures must identify procedures to activate the trauma system.

(7) Matching grants made under the provisions of chapter 70.168 RCW may include funding to:

(a) Develop, implement, and evaluate prevention programs; or

(b) Accomplish other purposes as approved by the department.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-970 Local emergency medical services and trauma care councils.** (1) ~~If~~ a county or group of counties (~~may~~) creates a local EMS/TC council, it must be composed of representatives of hospital and prehospital trauma care and EMS providers, local elected officials, consumers, local law enforcement officials, local government agencies, physicians, and prevention specialists involved in the delivery of EMS/TC.

(2) In addition to meeting the requirements of chapter 70.168 RCW and this chapter, local EMS/TC councils (~~shall~~) must:

~~(a) (Review, evaluate, and provide recommendations to the regional EMS/TC council regarding the provision of EMS/TC in the region, and provide recommendations on the regional EMS/TC plan;~~

~~(b) Recommend individuals to the department for membership on the regional EMS/TC council;~~

~~(e)) Participate with the MPD(~~;~~) and emergency communication centers(~~;~~ and the regional EMS/TC council) in making recommendations to the regional council about the development of regional patient care procedures; and~~

~~((~~d~~)) (b) Review senior EMS instructor applications and make recommendations to the department (~~for individuals applying for recognition or renewal of recognition as senior EMT instructors~~).~~

(c) Review applications for initial training classes and OTEP programs, and make recommendations to the department.

(3) Local EMS/TC councils may make recommendations to the department regarding certification and termination of MPDs, as provided in RCW 18.71.205(4).

**AMENDATORY SECTION** (Amending WSR 93-20-063, filed 10/1/93, effective 11/1/93)

**WAC 246-976-990 Fees and fines.** (1) The department shall assess individual health care facilities submitting a proposal to be designated as a level I general trauma care facility

a fee, not to exceed seven thousand dollars, to help defray the costs to the department of inspections and review of applications.

(2) The department shall assess individual health care facilities submitting a proposal to be designated as a level II general trauma care facility a fee, not to exceed six thousand dollars, to help defray the costs to the department of inspections and review of applications.

(3) The department shall assess individual health care facilities submitting a proposal to be designated as a level III general trauma care facility a fee, not to exceed one thousand nine hundred fifty dollars, to help defray the costs to the department of inspections and review of applications.

(4) The department shall assess individual health care facilities submitting a proposal to be designated as a level I pediatric trauma care facility a fee, not to exceed nine thousand two hundred dollars, to help defray the costs to the department of inspections and review of applications.

(5) The department shall assess individual health care facilities submitting a proposal to be designated as a level II pediatric trauma care facility a fee, not to exceed eight thousand dollars, to help defray the costs to the department of inspections and review of applications.

(6) The department shall assess individual health care facilities submitting a proposal to be designated as a level III pediatric trauma care facility a fee, not to exceed two thousand dollars, to help defray the costs to the department of inspections and review of applications.

(7) The department shall assess health care facilities submitting a joint proposal to be jointly designated as a level I general or pediatric trauma care facility a fee, of at least seven thousand dollars, and based upon a determined hourly rate and per diem expense per inspection team member, not to exceed fourteen thousand five hundred dollars to help defray the costs to the department of inspections and review of applications.

(8) The department shall assess health care facilities submitting a joint proposal to be jointly designated as a level II general or pediatric trauma care facility a fee, of at least six thousand dollars, and based upon a determined hourly rate and per diem expense per inspection team member, not to exceed twelve thousand five hundred dollars to help defray the costs to the department of inspections and review of applications.

(9) The department shall assess health care facilities submitting a joint proposal to be jointly designated as a level III general or pediatric trauma care facility a fee, of at least one thousand nine hundred fifty dollars, and based upon a determined hourly rate and per diem expense per inspection team member, not to exceed three thousand one hundred dollars to help defray the costs to the department of inspections and review of applications.

(10) The department shall assess health care facilities submitting a proposal to be designated at multiple levels to provide adult and pediatric care a fee, not to exceed nine thousand two hundred dollars to help defray the costs to the department of inspections and review of applications.

(11) The department shall not assess such fees to health care facilities applying to provide level IV and V trauma care services.

PERMANENT

(12) ~~((The department may assess fines for ambulance or aid services failing to license within the specified periods. Delinquent fines shall be one hundred dollars for a service and twenty-five dollars per vehicle, and shall not exceed five hundred dollars.))~~ If an ambulance or aid service fails to comply with the requirements of chapters 18.71, 18.73, 70.168 RCW, the Uniform Disciplinary Act, or with the requirements of this chapter, the department may notify the appropriate local, state or federal agencies.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-976-020 First responder training—Course contents, registration, instructor qualifications.
- WAC 246-976-025 First responder—Continuing medical education.
- WAC 246-976-030 Emergency medical technician training—Course content, registration, and instructor qualifications.
- WAC 246-976-035 Emergency medical technician—Continuing medical education.
- WAC 246-976-040 Specialized training.
- WAC 246-976-045 Levels of intermediate life support personnel and advanced life support paramedics.
- WAC 246-976-050 Intravenous therapy technician training—Course content, registration, instructor qualifications.
- WAC 246-976-055 Intravenous therapy technicians—Continuing medical education.
- WAC 246-976-060 Airway technician training—Course content, registration, instructor qualifications.
- WAC 246-976-065 Airway technician—Continuing medical education.
- WAC 246-976-070 Combined intravenous therapy and airway technician training—Course content, registration, instructor qualifications.
- WAC 246-976-075 IV therapy/airway technician—Continuing medical education.
- WAC 246-976-076 Intermediate life support training—Course content,

- registration, instructor qualifications.
- WAC 246-976-077 Intermediate life support technicians—Continuing medical education.
- WAC 246-976-080 Paramedic training—Course content.
- WAC 246-976-085 Paramedic—Continuing medical education.
- WAC 246-976-110 Senior EMT instructor—Qualifications and responsibilities.
- WAC 246-976-120 Disciplinary action—Training personnel.
- WAC 246-976-140 Certification and recertification—General requirements.
- WAC 246-976-150 Certification and recertification—First responder.
- WAC 246-976-160 Certification and recertification—Emergency medical technician.
- WAC 246-976-165 Levels of certified intermediate life support personnel and paramedics.
- WAC 246-976-170 Certification and recertification—Intravenous therapy technicians.
- WAC 246-976-180 Certification and recertification—Airway technicians.
- WAC 246-976-181 Certification and recertification—Intermediate life support technician.
- WAC 246-976-190 Recertification—IV and airway technicians.
- WAC 246-976-200 Certification and recertification—Paramedics.
- WAC 246-976-210 Certification—Reciprocity, challenges, and reinstatement.
- WAC 246-976-220 EMS personnel—Scope of care authorized, prohibited.
- WAC 246-976-230 Certification—Reversion, revocation, suspension, modification, or denial.
- WAC 246-976-240 Notice of decision and hearing.
- WAC 246-976-280 Ground ambulance and aid services—Personnel requirements.

PERMANENT

- WAC 246-976-350 Ambulance and aid services—Variances from requirements.
- WAC 246-976-370 Ambulance and aid services—Prehospital trauma triage procedures.
- WAC 246-976-440 Trauma registry—Reports.
- WAC 246-976-450 Access and release of trauma registry information.



**WSR 00-08-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 00-36—Filed March 22, 2000, 3:11 a.m., effective March 23, 2000, 12:01 a.m.]

Date of Adoption: March 22, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-12800D and 232-28-61900K; and amending WAC 220-56-128 and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Reintroduction of coho salmon into the Yakima Basin is being attempted using the Easton Ponds as smolt acclimation waters. A recreational fishing closure is needed to prevent disruption of the acclimation process. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 23, 2000, 12:01 a.m.

March 22, 2000

J. P. Koening

Director

by Larry Peck

**NEW SECTION**

**WAC 220-56-12800D Food fish fishing—Closed area—Easton Ponds (Kittitas Co.).** Notwithstanding the provisions of WAC 220-56-128, effective March 23 through June 9, 2000, it is unlawful to fish for food fish in Easton Ponds 1 and 2.

**NEW SECTION**

**WAC 232-28-61900K Exceptions to statewide rules—Easton Ponds (Kittitas Co.).** Notwithstanding the

provisions of WAC 232-28-619, effective March 23 through June 9, 2000, it is unlawful to fish for game fish in Easton Ponds 1 and 2.

**REPEALER**

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. June 9, 2000:

WAC 220-56-12800D	Food fish fishing—Closed area—Easton Ponds (Kittitas Co.).
WAC 232-28-61900K	Exceptions to statewide rules—Easton Ponds (Kittitas Co.).

**WSR 00-08-003**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed March 22, 2000, 3:56 p.m., effective April 1, 2000]

Date of Adoption: March 22, 2000.

Purpose: To adopt changes in the federal standards for community spouses, family needs maintenance amounts and excess shelter allowances that are based on the federal poverty level for which an increase takes effect on April 1, 2000.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500.

Other Authority: Section 1924(g) of the Social Security Act.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Federal standards have changed effective April 1, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: April 1, 2000.

March 22, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-11-017, filed 5/10/99, effective 6/10/99)

**WAC 388-513-1380 Institutional—Participation—Client cost of care.** This section describes allocations of income and excess resources used to determine a person's participation in the cost of care for institutional services in a medical facility. Income allocations described in this section are used to reduce countable income that remains after exclusions described in WAC 388-513-1340.

(1) Allocations used to reduce excess resources are amounts for incurred medical expenses, not subject to third-party payment, for which the person is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges; and

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan.

(2) Allocations used to reduce countable income are made in the following order:

(a) Amounts described in subsection (2)(a) may not total more than the one-person medically needy income level (MNIL):

(i) A personal needs allowance (PNA) as follows:

(A) One hundred sixty dollars for a person living in a state veterans' home;

(B) Ninety dollars for a veteran or a veteran's surviving spouse, who receives an improved pension and does not live in a state veterans' home; or

(C) Forty-one dollars and sixty-two cents for all other persons in a medical facility.

(ii) Federal, state, or local income taxes:

(A) Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the person; or

(B) Not covered by withholding, but are owed, become an obligation, or have been paid by the person during the time period covered by the PNA.

(iii) Wages for a person who:

(A) Is SSI-related; and

(B) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the person for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(iv) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(b) Income garnisheed for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(c) A monthly needs allowance for the community spouse not to exceed, effective January 1, ~~((1999))~~ 2000, two thousand ~~((forty-nine))~~ one hundred three dollars, unless a

greater amount is allocated as described in subsection (4) of this section. The monthly needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand ~~((three))~~ four hundred ~~((fifty-eight))~~ seven dollars; and

(B) Excess shelter expenses as specified under subsection (3) of this section; and

(ii) Is allowed only to the extent the person's income is made available to the community spouse.

(d) A monthly maintenance needs amount for each dependent or minor child, dependent parent or dependent sibling:

(i) Residing with the community spouse, equal to one-third of the amount that one thousand ~~((three))~~ four hundred ~~((fifty-seven))~~ seven dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) Not residing with the community spouse, equal to the MNIL for the number of family members in the home less the income of the family members.

(e) Incurred medical expenses described in subsections (1)(a) and (b) not used to reduce excess resources.

(f) Maintenance of the home of a single person or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the person is likely to return to the home within the six-month period; and

(iv) When social service staff documents initial need for the income exemption and reviews the person's circumstances after ninety days.

(3) For the purposes of this section, "excess shelter expenses" equal the actual expenses under subsection (3)(a) less the standard shelter allocation under subsection (3)(b):

(a) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) The standard shelter allocation is four hundred ~~((seven))~~ twenty-two dollars, effective April 1, ~~((1998))~~ 2000.

(4) The amount allocated to the community spouse may be greater than the amount in subsection (2)(c) only when:

(a) A court enters an order against the person for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(5) A person receiving SSI shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a

public or Medicaid-approved medical institution or facility when the:

- (a) Stay in the institution or facility is not expected to exceed three months; and
- (b) The person plans to return to former living arrangements.

**WSR 00-08-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed March 22, 2000, 3:58 p.m., effective April 1, 2000]

Date of Adoption: March 22, 2000.

Purpose: WAC 388-424-0025 Citizenship and alien status—Eligibility requirements for the food assistance program for legal immigrants. This amendment will expand eligibility for state-funded food assistant to aliens who are PRUCOL (permanently residing under color of law).

Citation of Existing Rules Affected by this Order: Amending WAC 388-424-0025.

Statutory Authority for Adoption: RCW 74.08A.120.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: RCW 74.08A.120 expands state-funded food assistance to aliens permanently residing under color of law, and a population segment whose food assistance needs are not addressed under federal law. This population segment currently only has local food banks to help alleviate nutrition and health deficiencies.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2000.

March 22, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-424-0025 Citizenship and alien status—Eligibility requirements for the food assistance program for legal immigrants.** To receive benefits under the food assistance program for legal immigrants (FAP), a person must be:

(1) A qualified alien who cannot receive federal food stamps because of the eligibility restrictions described in WAC 388-424-0020; or

(2) An alien who is not a qualified alien as defined in WAC 388-424-0005 and is:

(a) Allowed to enter the U.S. for permanent residence by permission of the U.S. Attorney General under section 249 of the Immigration and Nationality Act (INA);

(b) Admitted for temporary residence under section 245A of the INA and is aged, blind, or disabled as described in Title XVI of the Social Security Act;

(c) Granted temporary resident status by the Immigration and Naturalization Service (INS) as a special agricultural worker under section 210 of the INA;

(d) Granted family unity status by the INS and the alien's spouse or parent is eligible to participate in FAP or the federal food stamp program; or

(e) Permanently residing under color of law (PRUCOL) in the United States as defined in WAC 388-424-0005(4).

**WSR 00-08-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 00-35—Filed March 23, 2000, 8:24 p.m.]

Date of Adoption: March 22, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-160 and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to protect Wells Hatchery steelhead, a listed ESA species. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 22, 2000

J. P. Koenings

Director

by Larry Peck

**NEW SECTION**

**WAC 232-28-61900J Exceptions to statewide rules—Columbia River.** Notwithstanding the provisions of WAC 232-28-619, effective immediately until further notice, it is unlawful to fish for gamefish in those waters of the Columbia River from 1000 feet above to 1000 feet below the hatchery outlet at Ringold.

**NEW SECTION**

**WAC 220-57-16000W Columbia River—Ringold closure.** Notwithstanding the provisions of WAC 220-57-160, effective immediately until further notice it is unlawful to fish for food fish in those waters of the Columbia River from 1,000 feet above to 1,000 feet below the hatchery outlet at Ringold.

Reasons for this Finding: Most of the provisions of SSB 6067 that are administered by the Office of Insurance Commissioner (OIC) take effect on March 23, 2000. Unless these rules take effect immediately, several sections of the OIC WACs will be in conflict with statutes created by this act.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 23, 2000

Robert Harkins

Chief Deputy Commissioner

**AMENDATORY SECTION** (Amending Matter No. R 96-3, filed 4/10/96, effective 5/11/96)

**WAC 284-02-070 Hearings of the insurance commissioner.** (1)(a) Hearings of the insurance commissioner's office are conducted according to chapter 48.04 RCW and the Administrative Procedure Act (chapter 34.05 RCW). Two types of hearings are conducted: Rule-making hearings and adjudicative proceedings or contested case hearings, the latter including appeals from disciplinary actions taken by the commissioner. Under RCW 48.04.010 the commissioner is required to hold a hearing upon demand by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under the code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing. Requests for hearings must be made in writing to the commissioner at the commissioner's Olympia office, must specify how the person making the demand has been aggrieved by the commissioner, and must specify the grounds to be relied upon as the basis for the relief sought.

(b) Files of completed investigations, complaints against insurers, and rate or contract filings maintained by the commissioner are generally available for public inspection and copying during business hours (see chapter 284-03 WAC), subject to other applicable law.

(c) Accommodation will be made for persons needing assistance, for example, where English is not their primary language, or for hearing impaired persons.

(2) **Contested cases or adjudicative proceedings.**

**WSR 00-08-011  
EMERGENCY RULES  
OFFICE OF THE**

**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2000-1—Filed March 23, 2000, 12:19 p.m.]

Date of Adoption: March 23, 2000.

Purpose: Implementation and enforcement of SSB 6067, which modifies rate approval, guaranteed issue, guaranteed renewability, portability, adjudication, and preexisting condition limitation provisions, and establishes new procedures of the Washington State Health Insurance Pool.

Citation of Existing Rules Affected by this Order: Amending WAC 284-02-070, 284-43-710, 284-43-720, 284-43-730, 284-43-915, 284-43-930, and 284-43-945.

Statutory Authority for Adoption: RCW 48.02.060, 48.20.450, 48.20.460, 48.30.010, 48.44.020, 48.44.022, 48.44.023, 48.44.050, 48.44.080, 48.46.030, 48.46.064, 48.46.066, 48.46.200, 48.46.243, 48.92.140.

Other Authority: RCW 48.01.020, 48.04.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

EMERGENCY

(a) Provisions specifically relating to disciplinary action taken against insurance agents, brokers, solicitors, adjusters, or viatical settlement brokers are contained in RCW 48.17.-530, 48.17.540, 48.17.550, 48.17.560 and chapter 48.102 RCW. Provisions applicable to other adjudicative proceedings are contained in chapter 48.04 RCW and the Administrative Procedure Act (chapter 34.05 RCW). The uniform rules of practice and procedure appear in Title 10 of the Washington Administrative Code. The grounds for disciplinary action against insurance agents, brokers, solicitors, and adjusters are contained in RCW 48.17.530; grounds for similar action against insurance companies are contained in RCW 48.05.-140; grounds for actions against fraternal benefit societies are found at RCW 48.36A.300 (domestic) and RCW 48.36A.310 (foreign); grounds for actions against viatical settlement providers are found in chapter 48.102 RCW; grounds for actions against health care service contractors are contained in RCW 48.44.160; and grounds for action against health maintenance organizations are contained in RCW 48.46.130. These statutes provide that the insurance commissioner may suspend or revoke a licensee's license, or the certificate of authority or registration of an insurer, fraternal benefit society, viatical settlement provider, health care service contractor, or health maintenance organization. In addition, the commissioner may generally levy fines against those licensees and organizations.

(b) Adjudicative proceedings or contested case hearings of the insurance commissioner are informal in nature, and compliance with the formal rules of pleading and evidence is not required.

(i) The commissioner (~~may~~) must delegate the authority to hear and determine the matter and enter the final order pursuant to RCW 48.02.100 and 34.05.461 (~~to a presiding officer, or may utilize the services of an administrative law judge~~) in accordance with RCW 48.04.010 (5) and (6), chapter 34.12 RCW and the Administrative Procedure Act (chapter 34.05 RCW). The initial order of an administrative law judge will not become a final order without the commissioner's review (RCW 34.05.464).

(ii) The hearing will be recorded by any method chosen by the presiding officer. Except as required by law, the commissioner's office is not required, at its expense, to prepare a transcript. Any party, at the party's expense, may cause a reporter approved by the commissioner to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if, in the opinion of the presiding officer, the making of the additional recording does not cause distraction or disruption. If appeal from the commissioner's order is made to the superior court, the recording of the hearing will be transcribed, and certified to the court.

(iii) The commissioner or the presiding officer may allow any person affected by the hearing to be present during the giving of all testimony and will allow the aggrieved person a reasonable opportunity to inspect all documentary evidence, to examine witnesses, and to present evidence. Any person heard must make full disclosure of the facts pertinent to the inquiry.

(c) Unless a person aggrieved by an order of the commissioner demands a hearing thereon within ninety days after receiving notice of such order, or in the case of licensees,

within ninety days after the commissioner has mailed the order to the licensee at the most recent address shown in the commissioner's licensing records, the right to such a hearing shall conclusively be deemed to have been waived (RCW 48.04.010(3)).

(d) Prehearing or other conferences for the settlement or simplification of issues may be held at the discretion and direction of the presiding officer.

(3) **Rule-making hearings.** Rule-making hearings of the insurance commissioner are conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW), chapter 34.08 RCW (the State Register Act), and chapter 48.04 RCW. Under applicable law all interested parties must be afforded an opportunity to express their views concerning a proposed regulation of the insurance commissioner's office, either orally or in writing. The commissioner will accept comments on proposed rules by electronic telefacsimile transmission or electronic mail but will not accept comments by recorded telephonic communication (RCW 34.05.325(3)). Notice of intention of the insurance commissioner to adopt a proposed rule or regulation is published in the state register and is sent to anyone who has requested notice in advance and to persons who the commissioner determines would be particularly interested in the proceeding. The commissioner may require persons requesting copies of all proposed rule-making notices of inquiry and hearing notices to pay the cost of mailing these notices pursuant to RCW 34.05.320(3).

**AMENDATORY SECTION** (Amending Matter No. R 99-2, filed 1/24/00, effective 2/24/00)

**WAC 284-43-710 Portability of health insurance benefits.** (1) For a health benefit plan offered or provided to a group other than a small group, every health carrier shall (~~waive~~) reduce any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan to the extent that such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions unless the plan is dissimilar to the immediately preceding plan as determined in accordance with subsection (4) of this section. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier may not impose a waiting period for a preexisting condition that exceeds the difference between the number of months the person was continuously covered under the immediately preceding health plan and any preexisting condition waiting period under the new health plan. For purposes of portability of benefits under (~~this section~~) RCW 48.43.015 and to meet federal requirements (adapted from the federal definition of "creditable coverage" under section 701 of Public Law 104-191, August 21, 1996), "health plan" includes:

(a) Employer provided health plans including self-funded plans;

(b) Part A or part B of Title XVIII of the Social Security Act;

(c) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928 of the Act;

(d) Chapter 55 of Title 10, United States Code;

(e) A medical care program of the Indian Health Service or of a tribal organization;

(f) The Washington state health insurance pool created under RCW 48.41.040;

(g) A health plan offered under chapter 89 of Title 5, United States Code;

(h) The state basic health plan; and

(i) A health benefit plan under section 5(e) of the Peace Corps Act (22 U.S.C. Sec. 2504(e)).

(2) When an employer providing group health coverage to his or her employees imposes a probationary period or similar delay in eligibility for health plan coverage of new employees, the health carrier shall count the day of first employment with the new employer as the first day of coverage for purposes of applying the portability of benefit provisions of this section so that the new employees and dependents obtain the protections of this rule at the end of such probationary period.

(3) A carrier may not avoid the portability requirements of this section by taking into consideration, for rating purposes, the health condition or health experience of a person applying for an individual health plan or of a person being added to an existing group plan. For example, a person being added to a group or applying for an individual health plan who is availing himself or herself of the portability provisions of this section may not be rated based upon health conditions or past health experience.

(4) For purposes of this section only, a new health plan is similar to the immediately preceding health plan if the actuarial value of the benefits under the new health plan as a whole is not more than twenty-five percent greater than the benefits provided under the immediately preceding health plan when all cost-sharing and other benefit limitations are taken into consideration.

A health carrier asserting that the new health plan is dissimilar to the immediately preceding health plan of a person applying for coverage must provide such person with a written statement describing the basis for the carrier's determination.

(5) Nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. For example, if a person was provided maternity benefits under the immediately preceding health plan, the carrier need not amend the new health plan being purchased to provide such benefits if the new health plan being purchased does not include maternity benefits for any covered person. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history. For example, this rule does not apply to a one-year waiting period for use of a particular benefit (e.g., organ transplants) imposed equally upon all covered persons without regard to health condition. However, this rule does prohibit and a carrier may not apply any waiting period or similar exclusion for

use of maternity benefits under a group plan whether or not related to preexisting health conditions.

**AMENDATORY SECTION** (Amending Matter No. R 99-2, filed 1/24/00, effective 2/24/00)

**WAC 284-43-720 Guaranteed issue and restrictions on the denial, exclusion, or limitation of health benefits for preexisting conditions.** (1) All health carriers offering or providing group coverage shall accept for enrollment any state resident within the group to whom the plan is offered or provided and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health conditions, geographic location, employment status, socioeconomic status, other conditions or situation, or HIV status. Thus, health carriers may not reject health plan applicants and may not limit or exclude plan coverage for any reason associated with health risk or perceived health risk except for the imposition of a preexisting condition exclusion as permitted in this chapter.

(2) No carrier may reject an applicant for any health plan it offers based upon preexisting conditions of the applicant or in the case of a group applicant, individuals within the group and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a provider recommended or provided treatment within the three months before the effective date of coverage.

When an employer providing group health coverage to his or her employees imposes a probationary period or similar delay in eligibility for health plan coverage of new employees, the health carrier shall count the day of first employment as the effective date of coverage for purposes of calculating the preexisting condition waiting period. However, if an employee who works in a job category that is excluded from coverage under the plan later enters a benefits eligible job category, then the carrier shall count from the date the employee first enters the benefits eligible job category. For example, if an employee starts as a benefits ineligible part-time employee and later becomes a benefits eligible full-time employee, the carrier shall count from the date the employee's status changes to full-time.

(3) Genetic information shall not be treated as a health condition in the absence of a diagnosis of the condition related to such information.

(4) A carrier may not impose any preexisting condition exclusion relating to pregnancy as a preexisting condition in group health plans.

(5) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. For example, a carrier could not create a new rate classification for "uninsurable risks."

(6) The guaranteed issue provisions of this section do not apply to health plans in which the carrier has zero enrollment.

**AMENDATORY SECTION** (Amending Matter No. R 97-3, filed 1/22/98, effective 2/22/98)

**WAC 284-43-730 Guaranteed renewability—Health insurance.** (1) All health plans offered or provided to groups shall contain or incorporate by endorsement, a guarantee of the continuity of coverage of the plan.

(2) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or non-renewing a health plan, without the prior approval of the insurance commissioner:

(a) For nonpayment of premiums or contributions in accordance with the terms of the health plan;

(b) When the covered person has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the plan;

(c) In the case of a group plan, when the group sponsor has failed to comply with a material plan provision relating to employer contribution or group participation rules except as limited under RCW 48.21.045, 48.44.023, or 48.46.064;

(d) When the carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve covered persons would be exceeded; and

(e) When the carrier is ceasing to offer the plan and replaces the plan with another plan offered to all covered persons within that class or line of business that includes all of the health care services covered under the replaced plan and does not significantly limit access to the kind of services covered under the replaced plan. The carrier may also allow unrestricted conversion to a fully comparable product.

(3) The provisions of this section do not apply to health plans deemed by the commissioner to be for a unique, limited, or short-term purpose after a written request for such classification by the carrier and subsequent written approval by the commissioner.

(4) In any case in which a carrier decides to discontinue offering a particular individual or group plan as permitted under subsection (2)(e) of this section, the carrier must provide notice to each covered person of the discontinuation at least ninety days prior to discontinuation.

(5) In any case in which a carrier nonrenews an individual or group plan as permitted under this section, the carrier shall ensure that covered persons receive notice of nonrenewal including the reason for such nonrenewal.

**AMENDATORY SECTION** (Amending Matter No. R 97-2, filed 1/23/98, effective 3/1/98)

**WAC 284-43-915 Demonstration that benefits provided are not reasonable in relation to the amount charged for a contract per RCW 48.44.020 (2)(d) and 48.46.060 (3)(d).** In addition to the requirements of RCW 48.44.022, 48.44.023, 48.46.064, and 48.46.066, where applicable:

(1) For ~~((individual and))~~ small group plans, benefits shall be found not to be unreasonable in relation to the amount charged if one or more of the following is true:

(a) The requested increase in the community rate is zero percent or less and the anticipated loss ratio is seventy percent or more; or

(b) The anticipated loss ratio is eighty percent or more and the requested increase in the community rate is not more than the applicable rate in the following table.

CPI*	Maximum Rate Increase
7% or less	CPI*+3%
7% to 10%	10%
10% or more	CPI*

\* CPI refers to the rate of increase in the medical care component of the consumer price index for all urban consumers.

(2) For group plans other than small group plans, benefits shall be found not to be unreasonable in relation to amount charged if the anticipated loss ratio is eighty percent or more.

(3) If the conditions of subsection (1) or (2) of this section are not met, benefits shall be found not to be unreasonable if the projected earned premium for the rate renewal period is equal to the following:

(a) An actuarially sound estimate of incurred claims associated with the filing for the rate renewal period, where the actuarial estimate of claims shall recognize, as applicable, the savings and costs associated with managed care provisions of the plans included in the filing; plus

(b) An actuarially sound estimate of prudently incurred expenses associated with the plans included in the filing for the rate renewal period, where the estimate shall be based on an equitable and consistent expense allocation or assignment methodology; plus

(c) An actuarially sound provision for contribution to surplus, contingency charges, or risk charges, where the justification shall recognize the carrier's investment earnings on assets other than those related to claim reserves or other similar liabilities; minus

(d) An actuarially sound estimate of the forecasted investment earnings on assets related to claim reserves or other similar liabilities for the plans included in the filing for the rate renewal period.

(4) The contribution to surplus, contingency charges, or risk charges in subsection (3)(c) of this section, shall not be required to be less than zero.

(5) For the purposes of this section, the rate of increase in the medical care component of the consumer price index for all urban consumers shall be measured by comparing the index for the month immediately preceding the month in which the filing is submitted to the index for the corresponding calendar month for the prior year.

**AMENDATORY SECTION** (Amending Matter No. R 98-8, filed 5/20/98, effective 6/20/98)

**WAC 284-43-930 Contents of ~~((individual and))~~ small group filings.** Under ~~((RCW 48.44.022(3) and~~

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~~48.46.064(3) the experience of all individual plans shall be pooled; and under~~) RCW 48.44.023 (3)(i) and 48.46.066 (3)(i) the experience of all small group plans shall be pooled. Filings for individual plans shall include base rates for all individual plans and filings for small group plans shall include base rates for all small group plans. Each ~~((individual and))~~ small group filing shall include all of the following information and documents:

(1) An actuarially sound estimate of incurred claims. Experience data, assumptions, and justifications of the carrier's projected incurred claims shall be provided in a manner consistent with the carrier's rate-making methodology and incorporate the following elements:

(a) A brief description of the carrier's rate-making methodology, including identification of the data used and the kinds of assumptions and projections made.

(b) The number of subscribers by family size, or covered persons for the plans included in the filing. These figures shall be shown for each month or quarter of the experience period and the prior two periods if not included in previous filings. This data shall be presented in aggregate for the plans included in the filing and in aggregate for all of the carrier's plans.

(c) Earned premium for each month or quarter of the experience period and the prior two periods if not included in previous filings, for the plans included in the filing.

(d) An estimate of the adjusted earned premium for each month or quarter of the experience period and prior two periods for the plans included in the filing.

(e) Claims data for each month or quarter of the experience period and the prior two periods. Examples of claims data are, incurred claims, capitation payments, utilization data, unit cost data, and staffing data. The specific data elements included in the filing shall be consistent with the carrier's rate-making methodology.

(f) Documentation and justification of any adjustments made to the experience data.

(g) Documentation and justification of the factors and methods used to forecast incurred claims.

(2) An actuarially sound estimate of prudently incurred expenses. Experience data, assumptions, and justifications shall be provided by the carrier as follows:

(a) A breakdown of the carrier's expenses allocated or assigned to the plans included in the filing for the experience period or for the period corresponding to the most recent "annual statement";

(i) Health care service contractors shall provide an expense breakdown at least as detailed as the annual statement schedule "Underwriting and Investment Exhibit, Part 3, Analysis of Expenses" as revised from time to time;

(ii) Health maintenance organizations shall provide an expense breakdown at least as detailed as the "Annual Statement, Report #2: Statement of Revenues, Expenses and Net Worth," for administrative expenses as revised from time to time;

(iii) The allocation and assignment methodology used in (a)(i) or (ii) of this subsection may be based on readily available data and easily applied calculations;

(b) Identification of any experience period expenses that are extraordinary; and

(c) Documentation and justification of the assignment or allocation of expenses to the plans included in the filing; and

(d) Documentation and justification of forecasted changes in expenses.

(3) An actuarially sound provision for contribution to surplus, contingency charges, or risk charges. Assumptions and justifications shall be provided by a carrier as follows:

(a) The methodology, justification, and calculations used to determine the contribution to surplus, contingency charges, or risk charges included in the proposed base rates; and

(b) The carrier's net worth or reserves and unassigned surplus at the beginning of the experience period and at the end of the experience period.

(4) An actuarially sound estimate of forecasted investment earnings on assets related to claim reserves or other similar liabilities. The carrier shall include documentation and justification of forecasted investment earnings identified in dollars, and as a percentage of total premiums and the amount credited to the plans included in the filing.

(5) Adjustment of the base rate. Experience data, assumptions, justifications, and methodology descriptions shall be provided that include:

(a) Justifications for adjustments to the base rate, supported by data if appropriate, attributable to geographic region, age, family size, use of wellness activities, and tenure discounts;

(b) Justifications, supported by data if appropriate, of any other factors or circumstances used to adjust the base rates; and

(c) Description of the methodology used to adjust the base rate to obtain the premium rate for a specific ~~((individual or))~~ group, which is detailed enough to allow the commissioner to replicate the calculation of premium rates if given the necessary data.

(6) Actuarial certification. Certification by an actuary, as defined by WAC 284-05-060, that the benefits and services to be provided are reasonable in relation to the amount charged.

(7) The requirements of subsections (1) through (6) of this section may be waived or modified upon the finding by the commissioner that a plan contains or involves unique provisions or circumstances and that the requirements represent an extraordinary administrative burden on the carrier. An example of such a situation could include a plan offered by a relatively small carrier, where such plan has limited benefits and is designed to generate an unusually small premium.

**AMENDATORY SECTION** (Amending Matter No. R 97-2, filed 1/23/98, effective 3/1/98)

**WAC 284-43-945 Summary for ((individual and)) small group contract filings.**

**((INDIVIDUAL AND)) SMALL GROUP FILING SUMMARY**

Carrier Name _____
Address _____
Carrier Identification Number _____

Rate Renewal Period: From _____ To _____
Date Submitted: _____
((Type of Filing: Individual Plans <input checked="" type="checkbox"/> Group Plans <input checked="" type="checkbox"/> ))

**Proposed Rate Summary**

Current community rate	per month
Proposed community rate	per month
Percentage change	%
Portion of carrier's total enrollment affected	%
Portion of carrier's total premium revenue affected	%

**Components of Proposed Community Rate**

	Dollars Per Month	% of Total
a) Claims		
b) Expenses		
c) Contribution to surplus, contingency charges, or risk charges		
d) Investment earnings		
e) Total (a+ b+ c - d)		

**Summary of Pooled Experience**

	Experience Period		First Prior Period		Second Prior Period	
	From	To	From	To	From	To
Member Months						
Earned Premium						
Paid Claims						
Beginning Claim Reserve						
Ending Claim Reserve						
Incurred Claims						
Expenses						
Gain/Loss						
Contribution to Corporate Surplus						
Loss Ratio Percentage						

**General Information**

**1. Trend Factor Summary**

Type of Service	Annual Trend Assumed	Portion of Claim Dollars
Hospital	%	%
Professional	%	%

Prescription Drugs	%	%
Dental	%	%
Other	%	%

2. List the effective date and the rate of increase for all rate changes in the past three rate period.

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_  
 Date % Date % Date %

3. Since the previous filing, have any changes been made to the factors or methodology for adjusting base rates?

- Geographic Area  Yes  No
- Family Size  Yes  No
- Age  Yes  No
- Wellness Activities  Yes  No
- Tenure Discounts  Yes  No
- Other (specify)  Yes  No

4. Attach a table showing the base rate for each plan affected by this filing.

5. Attach comments or additional information.

6. Preparers Information

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

**WSR 00-08-022  
 EMERGENCY RULES  
 DEPARTMENT OF  
 FISH AND WILDLIFE**

[Order 00-37—Filed March 24, 2000, 4:57 p.m., effective April 1, 2000, 12:01 a.m.]

Date of Adoption: March 24, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-31500J, 220-57-32100D and 220-57-51500J; and amending WAC 220-57-315, 220-57-321, 220-57-505, 220-57-515, and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Klickitat River salmon return is projected to be a near record high return. The hatchery is expected to achieve its escapement goal. This fishery is intended to harvest surplus hatchery spring chinook. Fishery plans were coordinated with the Yakama Indian Nation.

The Little White Salmon River salmon return is projected to be a record high. The hatchery is expected to achieve its escapement goal. This fishery is intended to harvest surplus hatchery spring chinook. No spawning habitat exists for spring chinook in this river. Fishery plans were coordinated with the Yakama Indian Nation.

**EMERGENCY**

Surplus hatchery spring chinook are expected to return to the White Salmon River. Fishery plans were coordinated with the Yakama Indian Nation.

The Wind River salmon return is projected to be a record high. The hatchery is expected to achieve its escapement goal. This fishery is intended to harvest surplus hatchery spring chinook. Fishery plans were coordinated with the Yakama Indian Nation. These rules also allow retention of hatchery steelhead which may be present during the salmon fishery. The limitation on taking only one salmonid or a combination of salmonids is intended to reduce fishing pressure and provide for a more orderly fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2000, 12:01 a.m.

March 24, 2000

J. P. Koenings

Director

by Larry Peck

steelhead. Night closure and non buoyant lure restrictions in effect.

NEW SECTION

**WAC 220-57-50500G White Salmon River** Notwithstanding the provisions of WAC 220-57-505 and WAC 232-28-619, it is lawful to fish for salmonids in those waters of the (Big) White Salmon River from 400 feet downstream of Condit Dam to the powerhouse from April 1 through June 15, 2000 and from the powerhouse downstream to markers below the Burlington-Northern Railroad Bridge from April 1 until further notice. Special daily limit of one chinook greater than 12 inches in length or one hatchery steelhead greater than 20 inches in length.

NEW SECTION

**WAC 220-57-51500S Wind River** Notwithstanding the provisions of WAC 220-57-515 and WAC 232-28-619, it is lawful to fish for salmonids in those waters of the Wind River from boundary line/markers at the mouth upstream to markers 400 feet below Shipperd Falls from April 1 through June 30, 2000 and from the High Bridge upstream to lower boundary marker below Carson National Fish Hatchery from June 1 through June 30, 2000. Special daily limit of two chinook greater than 12 inches or two hatchery steelhead greater than 20 inches or one such salmon and one such steelhead. Night closure and non buoyant lure restrictions in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 21, 2000:

WAC 220-57-32100D Little White Salmon River (Drano Lake)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 31, 2000:

WAC 220-57-31500J Klickitat River.

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 30, 2000:

WAC 220-57-51500S Wind River.

NEW SECTION

**WAC 220-57-31500J Klickitat River** Notwithstanding the provisions of WAC 220-57-315 and WAC 232-28-619, it is lawful to fish for salmonids in those waters of the Klickitat River from the mouth to the Fisher Hill Bridge on Mondays, Wednesday, and Saturdays only from April 1 through May 31, 2000. Special daily limit of one chinook greater than 12 inches in length or one hatchery steelhead greater than 20 inches in length. Night closure and non buoyant lure restrictions in effect.

NEW SECTION

**WAC 220-57-32100D Little White Salmon River (Drano Lake)** Notwithstanding the provisions of WAC 220-57-321 and WAC 232-28-619, it is lawful to fish for salmonids in those waters of the Little White Salmon River (Drano Lake) from markers on points of land downstream and across from the Little White Salmon National Fish Hatchery to the Highway 14 Bridge from April 1 through May 21, 2000. Special daily limit of two chinook greater than 12 inches in length or two hatchery steelhead greater than 20 inches in length, or a combination of one such salmon and one such

**WSR 00-08-031  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 00-38—Filed March 28, 2000, 2:29 p.m., effective April 1, 2000, 12:01 a.m.]

Date of Adoption: March 28, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-28500U; and amending WAC 220-56-285.

EMERGENCY

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Managers forecast this year's harvest to exceed the 40,000 white sturgeon guideline in the Lower Columbia River sturgeon sport fishery without this retention closure. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2000, 12:01 a.m.

March 28, 2000

J. P. Koenings

Director

by Larry Peck

#### NEW SECTION

##### **WAC 220-56-28500U Sturgeon—Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-285, effective April 1 through April 30, 2000 it is unlawful to retain sturgeon for personal use from the Lower Columbia River and its tributaries from the mouth of the Columbia River (true north-south line through Buoy 10) to the Wauna powerlines at river mile 40 near Cathlamet.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. April 30, 2000:

WAC 220-56-28500U Sturgeon—Areas and seasons.

#### **WSR 00-08-037 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 00-39—Filed March 29, 2000, 2:29 p.m., effective March 31, 2000, 6:00 p.m.]

Date of Adoption: March 29, 2000.

Purpose: Amend commercial and personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600X, 220-52-04600Y, 220-56-33000V, and 220-56-33000W; and amending WAC 220-48-015, 220-52-046, and 220-56-330.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Testfishing results from Marine Fish/Shellfish Management and Catch Reporting Areas 21A, 21B, 22B, and portions of Marine Area 7 do not meet hardshell criteria established to prevent unacceptable handling mortality and resource loss when hardshell criteria are not met. Trawl closure to prevent crab handling mortality. State/tribal allocation imbalance requires closure in Marine Areas 8-1 and 8-2, Marine Fish Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D, and part of 26A. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 31, 2000, 6:00 p.m.

March 29, 2000

J. P. Koenings

Director

#### NEW SECTION

**WAC 220-48-01500K Puget Sound bottom trawl closure in softshell crab areas.** Notwithstanding the provisions of WAC 220-48-015, effective 6:00 p.m. March 31, 2000 until further notice, it is unlawful to fish for and possess bottomfish taken for commercial purposes with bottom trawl and beam trawl gear in all waters of Marine Fish/Shellfish Management and Catch Reporting Areas 21A and 22B.

NEW SECTION

**WAC 220-52-04600Y Commercial crab fishery— Allocation/softshell closures.** Notwithstanding the provisions of WAC 220-52-046, effective 6:00 p.m. March 31, 2000 through April 15, 2000, it is unlawful to fish for Dungeness crab for commercial purposes in Puget Sound in the following areas:

(1) All waters of Marine Fish/Shellfish Management and Catch Reporting Areas 21A, 21B, 22B, and that portion of Marine Fish/Shellfish Catch Area 22A that includes Lopez Sound and Blakely Sound, south of a line extending from Upright Head to the green flashing marker on the southwest tip of Obstruction Island; west of a line extending due south from the green flashing marker on the southwest tip of Obstruction Island to Blakely Island; west of a line drawn from the red flashing buoy at the southern tip of Blakely Island across Thatcher Pass to the white flashing marker at Fautleroy Point on the northwest corner of Decatur Island and west of a line drawn due south through Lopez Pass from the red flashing marker on the southern tip of Decatur Island to the point of land across Lopez Pass on Lopez Island including Mud Bay and Hunter Bay.

(2) All waters of Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and those contiguous waters of Area 26A northerly of a line from the southern tip of Whidby Island to the shipwreck north of Picnic Point.

Sound, south of a line extending from Upright Head to the green flashing marker on the southwest tip of Obstruction Island; west of a line extending due south from the green flashing marker on the southwest tip of Obstruction Island to Blakely Island; west of a line drawn from the red flashing buoy at the southern tip of Blakely Island across Thatcher Pass to the white flashing marker at Fautleroy Point on the northwest corner of Decatur Island and west of a line drawn due south through Lopez Pass from the red flashing marker on the southern tip of Decatur Island to the point of land across Lopez Pass on Lopez Island including Mud Bay and Hunter Bay.

(2) Effective 6:00 p.m. March 31, until further notice, it is unlawful to fish for and possess Dungeness crab for personal use in Marine Areas 8-1 and 8-2.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 6:00 p.m. March 31, 2000:

- WAC 220-56-33000V Personal use crab fishery— Allocation/softshell closures. (99-220)
- WAC 220-56-33000W Personal use crab fishery— Softshell closures. (00-20)

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. March 31, 2000:

- WAC 220-52-04600X Commercial crab fishery— Softshell and allocation closures. (00-20)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. April 15, 2000:

- WAC 220-52-04600Y Commercial crab fishery— Softshell and allocation closures.

NEW SECTION

**WAC 220-56-33000Y Personal use crab fishery— Allocation/softshell closures.** Notwithstanding the provisions of WAC 220-56-330:

(1) Effective 6:00 p.m. March 31 through April 15, 2000, it is unlawful to fish for Dungeness crab using shellfish pot gear for personal use in that portion of Marine Area 7 south of a line extending from Point Francis to the north end of Inati Bay on Lummi Island, east of a line drawn through Lummi Rocks to the west side of Lummi Island to the northern point of Sinclair Island, and east of a line drawn from the southeast point of Sinclair Island to the Shannon Point state ferry dock near west of Anacortes (includes Bellingham, Chuckanut, Samish, Padilla, and Fidalgo Bays); and that portion of Marine Area 7 that includes Lopez Sound and Blakely

**WSR 00-08-044  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 00-41—Filed March 30, 2000, 4:44 p.m.]

Date of Adoption: March 30, 2000.

Purpose: Amend commercial rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600Y and 220-52-04600Z; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Testfishing results from Marine Fish/Shellfish Management and Catch Reporting Areas 21A, 21B, 22B, the Lopez Sound portion of Marine Area 7 do not meet hardshell criteria established to prevent unacceptable handling mortality and resource loss when hardshell criteria are not met. State/tribal allocation imbalance requires closure in Marine Areas 8-1 and 8-2, Marine Fish Shellfish Catch Reporting Areas 23A, 23B, 23C, 23D, 24A, 24B, 24C, 24D, 25A, 25E, 26A, and 29. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

EMERGENCY

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 30, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

**WAC 220-52-04600Z Commercial crab fishery—Allocation/softshell closures.** Notwithstanding the provisions of WAC 220-52-046, effective immediately through April 15, 2000, it is unlawful to fish for Dungeness crab for commercial purposes in Puget Sound from the following waters during the periods indicated:

(1) 6:00 p.m. March 31, 2000 through April 15, 2000, all waters of Marine Fish/Shellfish Management and Catch Reporting Areas 21A, 21B, 22B, and that portion of Marine Fish/Shellfish Catch Area 22A that includes Lopez Sound and Blakely Sound, south of a line extending from Upright Head to the green flashing marker on the southwest tip of Obstruction Island; west of a line extending due south from the green flashing marker on the southwest tip of Obstruction Island to Blakely Island; west of a line drawn from the red flashing buoy at the southern tip of Blakely Island across Thatcher Pass to the white flashing marker at Fauntleroy Point on the northwest corner of Decatur Island and west of a line drawn due south through Lopez Pass from the red flashing marker on the southern tip of Decatur Island to the point of land across Lopez Pass on Lopez Island including Mud Bay and Hunter Bay.

(2) 6:00 p.m. March 31, 2000 through April 15, 2000, all waters of Marine Fish/Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and those contiguous waters of Area 26A northerly of a line from the southern tip of Whidby Island to the shipwreck north of Picnic Point.

(3) 10:00 a.m. April 3, 2000 through April 15, 2000, all waters of Marine Fish/Shellfish Management and Catch Reporting Area 23B.

(4) 10:00 a.m. April 7, 2000 through April 15, 2000, all waters of Marine Fish/Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25E and 29.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600Y Commercial crab fishery—Softshell and allocation closures. (00-39)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. April 15, 2000:

WAC 220-52-04600Z Commercial crab fishery—Softshell and allocation closures.

**WSR 00-08-045**

**EMERGENCY RULES**

**DEPARTMENT OF FISH AND WILDLIFE**

[Order 00-40—Filed March 30, 2000, 4:47 p.m., effective March 31, 2000, 12:01 a.m.]

Date of Adoption: March 30, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to ensure conservation and/or court ordered sharing of the allowable harvest and are interim until the permanent rules take effect. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

EMERGENCY

Effective Date of Rule: March 31, 2000, 12:01 a.m.  
March 30, 2000  
Evan Jacoby  
for Jeff P. Koenings  
Director

NEW SECTION

**WAC 220-56-35000F Clams other than razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-350, effective 12:01 a.m. March 31, 2000, until further notice, it is unlawful to harvest or possess clams, cockles, or mussels taken for personal use from the following public tidelands during the closed periods herein, and lawful to harvest only during the open periods specified herein:

- (1) Frye Cove - Open through May 31
- (2) Hope Island State Park - Closed until further notice
- (3) Oyster Reserves - Willapa Bay - Long Island oyster reserve open the entire year.
- (4) Pillar Point County Park - Open through April 30
- (5) Potlatch State Park - Open through June 30

NEW SECTION

**WAC 220-56-38000X Oysters—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-380, effective 12:01 a.m. March 31, 2000, until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following public tidelands except as provided below:

- (1) Brown Point - Closed until further notice
- (2) Eagle Creek - Open through May 31
- (3) Freshwater Bay County Park Tidelands (west of Port Angeles) - Open May 16 through July 15
- (3) Point Whitney Tidelands - Open April 1 through July 15
- (4) Potlatch State Park - Open through June 30.
- (5) West Dewatto (DNR 44A) - Open until further notice.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 00-08-046  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 00-43—Filed March 30, 2000, 4:49 p.m.]

Date of Adoption: March 30, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-28500U; and amending WAC 220-56-285.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Managers forecasts this years harvest to exceed the 40,000 white sturgeon guideline and this regulation is intended to keep the recreational harvest of sturgeon within these guidelines. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 30, 2000

Evan Jacoby  
for Jeff P. Koenings  
Director

NEW SECTION

**WAC 220-56-28500V Sturgeon—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-285, effective immediately until further notice it is unlawful to retain sturgeon for personal use from the following waters during the periods indicated:

(1) April 1 through April 30, 2000, the Lower Columbia River and tributaries from the mouth of the Columbia River (true north-south line through Buoy 10) to the Wauna powerlines at river mile 40 near Cathlamet.

(2) April 8, 2000 until further notice, the Columbia River and tributaries from Bonneville Dam to the Dalles Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-28500U Sturgeon—Areas and seasons. (99-38)

EMERGENCY

**WSR 00-08-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed March 31, 2000, 11:00 a.m.]

Date of Adoption: March 31, 2000.

Purpose: WAC 388-478-0055 SSI standards, is being amended to pass along the federal 2.4% cost-of-living adjustment (COLA) for the SSI program. There is no change in the SSI state supplement amounts except for individuals living alone. To remain within legislatively-directed spending levels, state supplement amounts were temporarily lowered by \$1 per month for October through December and are now being returned (increased by \$1) to the pre-October levels. Standards tables have been reformatted to include information previously contained in footnotes.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0055 SSI standards.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Notification of the exact amount of the federal COLA increase was received in late October, too late for the regular rule adoption process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

March 31, 2000  
 Marie Myerchin-Redifer  
 Manager

AMENDATORY SECTION (Amending WSR 99-18-063, filed 8/30/99, effective 10/1/99)

**WAC 388-478-0055 SSI standards.** (1) Supplemental Security Income (SSI) is a cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. Since the SSI program began in January 1974, the state of Washington has supplemented the federal benefit level with state funds, known as the SSI state supplement. Persons found eligible for SSI receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income.

(2) Effective ~~((October 1, 1999))~~ January 1, 2000, the federal, state and combined benefit levels for an eligible individual and couple are:

(a) ~~((Area I))~~ Living alone area 1: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

~~((i) Living alone (own household or alternate care, except nursing homes or medical institutions):~~

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
<b>LIVING ALONE</b>			
Individual	\$ 500.00	\$26.00	\$ 526.00
Individual with One Essential Person <sup>1</sup>	\$ 750.00	\$21.00	\$ 771.00
Couple, both Eligible	\$ 751.00	\$21.00	\$ 772.00
Couple with One Essential Person <sup>2</sup>	\$ 751.00	\$21.00	\$ 772.00
Couple includes Ineligible Spouse	\$ 500.00	\$167.20	\$ 667.20

(ii) Shared living (supplied shelter):

	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
<b>SHARED LIVING</b>			
Individual	\$ 333.34	\$4.81	\$ 338.15
Individual with One Essential Person <sup>3</sup>	\$ 500.00	\$5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$5.30	\$ 505.97
Couple includes One Essential Person <sup>4</sup>	\$ 500.67	\$5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$102.76	\$ 436.10

(b) Area II: All counties other than the above.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions):

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
<b>LIVING ALONE</b>			

EMERGENCY

Individual	\$ 500.00	\$ 5.55	\$ 505.55
Individual with One Essential Person <sup>1</sup>	\$ 750.00	\$ 0	\$ 750.00
Couple, Both Eligible	\$ 751.00	\$ 0	\$ 751.00
Couple with One Essential Person <sup>2</sup>	\$ 751.00	\$ 0	\$ 751.00
Couple includes Ineligible Spouse	\$ 500.00	\$ 137.25	\$ 637.25

(ii) Shared living (supplied shelter).

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$ 333.34	\$ 4.81	\$ 338.15
Individual with One Essential Person <sup>3</sup>	\$ 500.00	\$ 5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$ 5.30	\$ 505.97
Couple includes One Essential Person <sup>4</sup>	\$ 500.67	\$ 5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$ 102.76	\$ 436.10

(e) Residing in a medical institution: Area I and II

MEDICAL INSTITUTION	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$30.00	\$11.62	\$41.62))

<u>LIVING ALONE - Own household or alternate care, except nursing homes or medical institutions</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
Individual	\$ 512.00	\$ 27.00	\$ 539.00
Individual with: One essential person	\$ 769.00	\$ 21.00	\$ 790.00
Individual with: Multiple essential persons	\$512 for the eligible individual plus \$257 for each essential person (no state supplement)		
Individual with an ineligible spouse	\$ 512.00	\$ 167.20	\$ 679.20
Couple	\$ 769.00	\$ 21.00	\$ 790.00
Couple with one or more essential persons	\$ 769 for eligible couple plus \$257 for each essential person (no state supplement)		

(b) Living along area 2: All other counties.

<u>LIVING ALONE - Own household or alternate care, except nursing homes or medical institutions</u>	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
Individual	\$ 512.00	\$ 6.55	\$ 518.55
Individual with: One essential person	\$ 769.00	\$ 0.00	\$ 769.00
Individual with: Multiple essential persons	\$512 for the eligible individual plus \$257 for each essential person (no state supplement)		
Individual with an ineligible spouse	\$ 512.00	\$ 137.25	\$ 649.25
Couple	\$ 769.00	\$ 0.00	\$ 769.00
Couple with one or more essential persons	\$ 769 for eligible couple plus \$257 for each essential person (no state supplement)		

(c) Shared living for both Area 1 and 2.

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ 341.34	\$ 4.81	\$ 346.15
Individual with: One essential person	\$ 512.00	\$ 5.30	\$ 517.30

EMERGENCY

	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Federal/State Benefit Level</u>
<u>SHARED LIVING</u>			
<u>Individual with: Multiple essential persons</u>	<u>\$341.34 for the eligible individual plus \$170.67 for each essential person (no state supplement)</u>		
<u>Individual with an ineligible spouse</u>	<u>\$ 341.34</u>	<u>\$ 102.76</u>	<u>\$ 444.10</u>
<u>Couple</u>	<u>\$ 512.67</u>	<u>\$ 5.30</u>	<u>\$ 517.97</u>
<u>Couple with one or more essential persons</u>	<u>\$512.67 for eligible couple plus \$170.67 for each essential person (no state supplement)</u>		

**(d) Residing in a medical institution: Area I and II**

	<u>Federal Benefit Level</u>	<u>State Supplement Benefit Level</u>	<u>Combined Benefit Level</u>
<u>MEDICAL INSTITUTION</u>			
<u>Individual</u>	<u>\$30.00</u>	<u>\$11.62</u>	<u>\$41.62</u>

((#)) (e) Mandatory income level (MIL) for grandfathered claimant. "Grandfathered" refers to a person who qualified for assistance from the state as aged, blind, or disabled, was converted from the state to federal disability assistance under SSI in January 1974, and has remained continuously eligible for SSI since that date.

The combined federal/state SSI benefit level for MIL clients is the higher of the following:

(i) The state assistance standard they received in December 1973, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion), plus the federal cost-of-living adjustments (COLA) since then; or

(ii) The current standard.

~~(1) Eligible individual with more than one essential person living alone: \$ 500.00 for the eligible individual plus \$ 250.00 for each essential person (no state supplement).~~

~~2) Eligible couple with one or more essential persons living alone: \$ 751.00 for eligible couple plus \$ 250.00 for each essential person (no state supplement).~~

~~3) Eligible individual with more than one essential person in shared living: \$ 333.34 for eligible individual plus \$ 166.66 for each essential person (no state supplement).~~

~~4) Eligible couple with one or more essential persons in shared living: \$ 500.67 for eligible couple plus \$ 166.66 for each essential person (no state supplement).~~

**WSR 00-08-061  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed March 31, 2000, 11:03 a.m.]

Date of Adoption: March 31, 2000.

Purpose: The purpose of this emergency rule is to provide increased safety and welfare for children in child care settings where the department pays towards the cost of child care for an exempt in-home/relative provider. The provider must not have a conviction record which would place the child or the family at a potential risk of harm.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-850, 388-290-905, 388-290-910, 388-290-925, 388-290-940, and 388-290-945.

Statutory Authority for Adoption: RCW 43.43.830, 43.43.832, and 74.15.010.

Other Authority: RCW 10.97.050.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department must increase the protection of children currently in the care of individuals who have conviction history which increases the likelihood of harm to the child or the household.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 6, Repealed 0.

Effective Date of Rule: Immediately.

March 31, 2000

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

**WAC 388-290-850 What child care providers can the department pay under the WCCC program?** To receive payment under the WCCC program, your child care provider must fall into one of the following categories:

(1) Licensed as required by chapter 74.15 RCW and chapters 388-73, 388-155 (Minimum licensing requirements

for family child day care homes), or 388-150 WAC (Minimum licensing requirements for child day care centers).

(2) Exempt from licensing but certified by the department, including:

(a) Tribal child care facilities meeting the requirements of tribal law;

(b) Child care facilities on a military installation;

(c) Child care facilities operated on public school property by a school district.

(3) Exempt from licensing and certification, but the provider must:

(a) Be a U.S. citizen or legally residing in the country;

(b) Be one of the following adult relatives providing care in either the child's or relative's home:

(i) An adult sibling living outside the child's home; or

(ii) A grandparent, aunt, uncle, first cousin, or great-grandparent, great-aunt, or great-uncle; and

(iii) Not the child's biological, adoptive, or step-parent;

or

(iv) An extended tribal family member under chapter 74.15 RCW.

(c) Be an adult friend or neighbor providing care in the child's own home; ~~(and)~~

(d) Meet the in-home relative provider requirements in ~~(chapter 388-15 WAC. We can refuse to pay towards the cost of in-home/relative care if we have evidence your in-home/relative provider does not meet these requirements))~~ WAC 388-165-235;

(e) Complete and submit a criminal background inquiry form prescribed by the department; and

(f) Not be disqualified based on information in WAC 388-290-854 (3) or (4).

#### NEW SECTION

**WAC 388-290-854 When do we refuse to pay towards the cost of in-home/relative care?** DSHS refuses to pay towards the cost of in-home/relative care if we:

(1) Have evidence your in-home/relative provider does not meet the requirements in WAC 388-290-850;

(2) Fail to receive a completed criminal background inquiry form signed by the parent and potential provider;

(3) Have evidence, other than conviction information, indicating the provider may not be of sufficient physical, emotional or mental health to meet the needs of the child in care or the household may be at risk of harm by this provider; or

(4) Find the provider has been convicted of, or has charges pending for crimes listed in WAC 388-290-882 or 388-290-886.

#### NEW SECTION

**WAC 388-290-858 Why do we review your provider's criminal background information?** DSHS reviews the provider's criminal background information because:

(1) The department does not pay towards the cost of child care provided by individuals convicted of crimes listed in WAC 388-290-882 and 388-290-886; and

(2) DSHS wants you to have this information to help you to make informed, safe, and responsible decisions about your child(ren)'s care provider.

#### NEW SECTION

**WAC 388-290-862 When is a criminal background check required?** DSHS requires the criminal background check for each in-home/relative provider when:

(1) The family requests payment for services by a new provider;

(2) Every two years for existing providers; or

(3) When the department has information indicating the provider may have charges pending or convictions may have occurred.

#### NEW SECTION

**WAC 388-290-866 Where does the department get the criminal background information on the in-home/relative provider?** DSHS gets information on criminal background information from:

(1) The Washington state patrol under chapter 10.97 RCW;

(2) If available, we may also review criminal background information from other states and Federally Recognized Indian Tribes; and

(3) Disclosure by the provider.

#### NEW SECTION

**WAC 388-290-870 What does the department do with the criminal background information on the in-home relative/provider?** (1) DSHS compares the criminal background information including pending charges with convictions listed in WAC 388-290-882 and 388-290-886.

(2) A pending charge for a crime is given the same weight as a conviction.

(3) If the conviction has been renamed it is given the same weight as the previous named conviction. For example, larceny is now theft.

(4) Convictions whose titles are preceded with the word "attempted" are given the same weight as those titles without the word "attempted."

(5) Convictions that are considered the same as those listed in WAC 388-290-882 and 388-290-886 are given the same weight as those titles.

(6) DSHS determines if the provider's criminal background contains information that will not allow the authorization of payment towards the cost of WCCC.

(7) DSHS notifies the parent of the criminal background information.

(8) If the criminal background information disqualifies the provider, DSHS denies or stops payment towards the cost of care by this provider.

(9) DSHS assists parents in finding other child care arrangements.

NEW SECTION

**WAC 388-290-874 Will I be notified of the results of the criminal background information on my in-home/relative provider?** You will receive notification telling you the criminal background information and if DSHS is, or is not, able to authorize payment towards the cost of care.

NEW SECTION

**WAC 388-290-878 Can I still use my chosen provider to care for my child(ren) if the provider has been convicted of a disqualifying crime?** You may still use the in-home/relative provider to care for your child(ren), however, you must use your own money. DSHS will not pay towards the cost of care.

NEW SECTION

**WAC 388-290-882 What convictions permanently disqualify my in-home/relative provider from being authorized by WCCC?** If your provider has been convicted of any of the following crimes, DSHS will never authorize payment towards the cost of child care provided by that provider. Convictions whose title is preceded with the word "attempted" are given the same weight as those titles without the word "attempted":

- (1) Aggravated murder;
- (2) Arson in the first degree;
- (3) Assault in the first, second or third degree;
- (4) Assault of a child in the first, second or third degree;
- (5) Burglary in the first degree;
- (6) Child abandonment;
- (7) Child abuse or neglect (RCW 26.44.020);
- (8) Child buying or selling;
- (9) Child molestation in the first, second or third degree;
- (10) Communication with a minor for immoral purposes;
- (11) Criminal abandonment;
- (12) Criminal mistreatment in the first or second degree;
- (13) Custodial assault;
- (14) Custodial sexual misconduct in the first and second degree;
- (15) Custodial interference in the first and second degree;
- (16) Delivery of a controlled substance;
- (17) Drive-by shooting;
- (18) Extortion in the first or second degree;
- (19) Felony indecent exposure;
- (20) Incest;
- (21) Leading organized crime;
- (22) Luring;
- (23) Patronizing a juvenile prostitute;
- (24) Promoting a suicide attempt;
- (25) Public indecency (if toward a child less than fourteen);
- (26) Homicide by watercraft;
- (27) Kidnapping in the first and second degree;
- (28) Malicious explosion first, second and third degree;
- (29) Malicious placement of an imitation device first degree;

- (30) Malicious harassment;
- (31) Manslaughter in the first and second degree;
- (32) Manufacture of a controlled substance;
- (33) Murder in the first and second degree;
- (34) Possession with the intent to manufacture a controlled substance;
- (35) Possession with the intent to deliver a controlled substance;
- (36) Promoting prostitution in the first degree;
- (37) Promoting pornography;
- (38) Rape in the first, second and third degree (including the rape of a child);
- (39) Reckless Endangerment;
- (40) Robbery in the first and second degree;
- (41) Selling or distributing erotic materials to a minor;
- (42) Sexual exploitation of a minor;
- (43) Sexual misconduct with a minor in the first or second degree;
- (44) Sexually violating human remains;
- (45) Stalking;
- (46) Theft in the first degree;
- (47) Unlawful imprisonment;
- (48) Vehicular assault;
- (49) Vehicular homicide;
- (50) Violation of a child abuse restraining order-felony;
- (51) Indecent liberties; or
- (52) Any of these crimes as they may be renamed in the future; or
- (53) Any convictions that results in the individual listed as a registered sex offender.

NEW SECTION

**WAC 388-290-886 What crimes require a set amount of time between the date of the conviction and the completion of the criminal background inquiry form for my provider to be authorized?** A set amount of time must pass between the date of conviction and the date of the criminal background information form for specific convictions. We authorize providers if the following time periods have passed for the following convictions. Convictions whose title is preceded with the word "attempted" are given the same weight as those titles without the word "attempted":

- (1) Three years or more for:
  - (a) Assault in the fourth degree;
  - (b) Prostitution; or
  - (c) Theft in the third degree.
- (2) Five years or more for:
  - (a) Forgery;
  - (b) Prostitution related crimes such as patronizing a prostitute; or
  - (c) Theft in the second degree.

NEW SECTION

**WAC 388-290-888 When can I ask the department to review the decision to deny authorization of my provider?**

- (1) If you disagree with the department's decision to deny

payments towards the care of your provider you may request a review only if:

- (a) The provider's conviction is listed in WAC 388-290-886; and
  - (b) The required amount of time has not elapsed.
- (2) Your request must be made within thirty days of our decision and may be received in writing or by contacting DSHS.
- (3) You may be requested to provide documentation of the appropriateness of the disqualified provider.

**AMENDATORY SECTION** (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

**WAC 388-290-905 What responsibilities does the department have under the WCCC program? We will:**

- (1) Inform you of your rights and responsibilities under the WCCC program;
- (2) Inform you which child care providers we can pay;
- (3) ~~((Permit you to choose your own child care provider, as long as we can pay the provider under WAC 388-290-850))~~ Review and act upon information described in WAC 388-290-854 and 388-290-866 regarding your in-home/relative provider;
- (4) Inform you of the community resources that can help you select child care, if needed;
- (5) Only authorize payment when no adult in your family is able and available to care for your children;
- (6) Only authorize payment to child care providers who allow you to see your children whenever they are in care;
- (7) Respond to you within ten days if you report a change of circumstance;
- (8) Provide prompt child care payments to your licensed or certified provider; and
- (9) Notify you whenever we establish or change your WCCC copayment.

**AMENDATORY SECTION** (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

**WAC 388-290-910 What responsibilities do I have under the WCCC program? You ~~((with))~~ are responsible to:**

- (1) ~~((Be responsible to choose your))~~ Choose a provider meeting requirements of WAC 388-290-850 and make your own child care arrangements;
- (2) Notify the department of any change in providers within five days;
- (3) Pay your in-home/relative provider after we send you a check for in-home/relative care;
- (4) Pay, or make arrangements to pay, your WCCC copayment directly to your child care provider;
- (5) Supply the department with necessary information to allow us to correctly determine your eligibility and make proper payment to your provider;
- (6) Notify your provider within ten days when we change your child care authorization;
- (7) Provide notice to the department within ten days of any change in family size or income level; ~~((and))~~

(8) Assure your in-home/relative provider provides a valid social security number to the department, if you choose an in-home/relative provider; and

(9) Immediately report to your child care authorizing worker any pending charges or conviction information you learn about your in-home/relative provider.

**AMENDATORY SECTION** (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

**WAC 388-290-925 When do advance and adequate notice rules not apply? Advance and adequate notice requirements don't apply in the following circumstances:**

- (1) You tell the department you no longer want WCCC;
- (2) Your whereabouts are unknown to the department;
- (3) You are receiving duplicate child care benefits; ~~((or))~~
- (4) Your normal WCCC authorization period is scheduled to end; or
- (5) If DSHS finds evidence your in-home/relative provider has a criminal conviction under WAC 388-290-882 or 388-290-886 or other noncriminal conviction evidence indicates care by the provider may substantially jeopardize the safety or welfare of the child or may cause the household harm.

**AMENDATORY SECTION** (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

**WAC 388-290-940 Do I have the right to request a fair hearing? (1) WCCC consumers ~~((and child care providers))~~ can request fair hearings under chapter 388-08 WAC on any action affecting WCCC benefits except for mass changes resulting from a change in policy or law.**

(2) Child care providers can request fair hearings under chapter 388-08 WAC only for WCCC overpayments.

**AMENDATORY SECTION** (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

**WAC 388-290-945 Can I get WCCC pending the outcome of a fair hearing? (1) If you are a WCCC consumer, you can get WCCC pending the outcome of a fair hearing if you request the fair hearing:**

- (a) On or before the effective date of an action; or
- (b) No more that ten days after the department sends you a notice of adverse action.

**"Adverse action"** means an action to reduce or terminate your WCCC, or to set up a protective payee to receive your WCCC warrant for you.

(2) If you lose the fair hearing, any WCCC you use between the date of the adverse action and the date of the fair hearing or fair hearing decision is an overpayment to you, the consumer.

(3) If we obtain information that your provider may not be authorized to care for children under WAC 388-290-850 and you request a fair hearing on this decision, you are not eligible for WCCC payments to this provider pending the outcome of the fair hearing. If you are eligible for WCCC,

you may receive child care benefits towards another eligible provider, pending the outcome of the fair hearing.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 00-08-083**  
**EMERGENCY RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed April 4, 2000, 10:44 a.m.]

Date of Adoption: March 30, 2000.

**Purpose:** Implements the Washington promise scholarship program as authorized by the 1999 - 2000 Biennial Budget Act, section 611(6), chapter 309, Laws of 1999.

**Citation of Existing Rules Affected by this Order:** New rules chapter 250-80 WAC.

**Statutory Authority for Adoption:** Chapter 28B.80 RCW and section 611(6), chapter 309, Laws of 1999.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** Permanent rules will take effect within thirty-one days of this filing. In the meantime, the HECB will need to determine scholarship eligibility for another group of high school students.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted on the Agency's Own Initiative:** New 10, Amended 0, Repealed 0.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 0, Amended 0, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

**Effective Date of Rule:** Immediately.

March 31, 2000

John Klacik

Associate Director

## Chapter 250-80 WAC

### WASHINGTON PROMISE SCHOLARSHIP RULES

#### NEW SECTION

**WAC 250-80-010 Purpose.** The Washington promise scholarship program recognizes and encourages the aspiration for superior academic achievement of high school students who attend and graduate from Washington high schools. The program offers a two-year scholarship for eligible students that may be used at any accredited institution within the borders of the state.

#### NEW SECTION

**WAC 250-80-020 Definitions.** (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "High school" means a secondary institution in Washington state identified by the office of the superintendent of public instruction as qualified to confer high school diplomas to a graduating senior class.

(4) "Parent(s)" mean the biological or adoptive parent of the student applicant and the spouse of a biological or adoptive parent. In cases of divorce or separation the parent for purposes of reporting income and family size is the biological or adoptive parent who provided more than one-half of the applicant's support in the previous twelve months. The term parent does not include either foster parents or legal guardians.

(5) "Family size" is the number of people for whom the applicant's parent(s) provided more than one-half of the support in the previous twelve months.

(6) "Income," in most cases means the applicant parent's adjusted gross income (AGI) as reported on the previous calendar year's federal tax return. For the independent student, income means the student's adjusted gross income as reported on the previous calendar year's federal tax return.

(7) "Independent student" means a student whose biological parents are both deceased and there is no adoptive parent, or the student is a "ward of the court," or the student has been legally emancipated by court order. The board may also recognize a student as independent due to exceptional circumstances as recognized by the appeal committee.

(8) "Appeals committee" means a committee convened by the board to review petitions and requests by students for consideration of individual exceptional circumstances.

(9) "Median family income (MFI)" means the median income for the state of Washington, by family size, as compiled by the federal Bureau of the Census and reported annually in the *Federal Register*.

(10) "Income cutoff" means one hundred thirty-five percent of the median family income.

(11) "Academic year" means the fall, winter, and spring quarters or the fall and spring semesters between July 1st and June 30th.

(12) "Eligible student" means a person who:

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(a) Graduates from a public or private high school located in the state of Washington; and

(b) Is in the top ten percent of his or her 1999 graduating class; or

(c) Is in the top fifteen percent of his or her 2000 graduating class; and

(d) Has a family income less than one hundred thirty-five percent of the state's median; and

(e) Enrolls at least half time in an eligible postsecondary institution in the state of Washington; and

(f) Is not pursuing a degree in theology.

(13) "Eligible postsecondary institution" means:

(a) A public institution authorized by the Washington legislature and receiving operating support through the state general fund; or

(b) A postsecondary institution, whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(i) The Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(ii) The Accrediting Bureau of Health Education Schools;

(iii) The Accrediting Council for Continuing Education and Training;

(iv) The Accrediting Commission of Career Schools and Colleges of Technology;

(v) The Accrediting Council for Independent Colleges and Schools;

(vi) The National Accrediting Commission of Cosmetology Arts and Sciences; and

Agrees to administer the program in accordance with the applicable rules and program guidelines.

(14) "Authorized use period" means the period of time the eligible student has to complete using his or her scholarship. The board will determine the authorized use period for each class of graduating high school seniors.

#### NEW SECTION

**WAC 250-80-030 Application procedure.** (1) The eligible student will make application directly to the board.

(2) The completed application will include a data sheet, signed certification statement, a copy of the parent's previous calendar year's federal tax return for the purpose of verifying the income, and any other documentation requested by the board in response to missing, incomplete, or unclear information. Student income information will be accepted, in lieu of parental information, when the board recognizes the applicant as being an independent student.

(3) The board will treat all applications in a confidential manner.

(4) Applications will be made available through several means including:

(a) Mailings to public and private high school principals in the state;

(b) Posting on the HECB website ([HTTP://WWW.HECB.WA.GOV/](http://www.hecb.wa.gov/));

(c) Direct mailing to students.

(5) The board will annually set a deadline for the receipt of applications from that year's eligible graduating high school seniors and the deadline for renewal applications from eligible students having graduated in prior years.

(6) Applications must be received by the deadline for each graduating class of high school seniors to be considered for payment at any time during the authorized use period.

#### NEW SECTION

**WAC 250-80-040 Recipient selection.** (1) Recipients include all eligible students who have completed applications prior to the annual deadline, who are verified as having finished in the top ten percent of their senior graduating high school class, and who enroll in an eligible school.

(2) The student who is determined eligible for the first year of scholarship benefits is also presumed eligible for the second year's benefits. The student will not need to provide income information after once establishing his or her eligibility.

(3) Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits.

(4) Eligibility determinations made by the appeals committee are final.

#### NEW SECTION

**WAC 250-80-050 Authorized award amounts.** (1) The maximum annual authorized award shall not exceed the representative average annual tuition and fees for resident students attending the state's community and technical colleges, as determined by the board.

(2) The actual authorized annual award for each recipient shall be the annual appropriation, as determined by the board to be available for grants, evenly prorated among the eligible students.

#### NEW SECTION

**WAC 250-80-060 Grant disbursement.** (1) Eligible students must enroll on at least a half-time status in order to receive a scholarship disbursement.

(2) Grants to students will be disbursed in equal payments, once per term, across the three quarter or two semester academic year.

(3) State of Washington public colleges and universities may request payment for funds up to the limit of the per term award for each enrolled eligible student. The state public college or university may apply the proceeds of the scholarship to any outstanding debt owed by the student to the institution. The institution must disburse any remainder directly to the eligible student.

(4) Nonstate institutions may request that checks be written to eligible students attending their schools. The board will write individual warrants payable to each eligible student and delivered to the school for disbursement.

(5) The independent university and the private vocational school must disburse the warrant once the student's half-time or greater enrollment has been verified. The school

may not withhold or delay disbursement for any reason other than for less than half-time enrollment. The school has thirty days to either disburse the warrant or return it to the board.

#### NEW SECTION

**WAC 250-80-070 Renewals and authorized use period.** (1) Eligible students may renew their award for the second year's benefits, subject to the availability of funding.

(2) The deadline for the return of renewal applications will be set annually by the board.

(3) The board will determine the maximum number of years each class of graduating high school seniors has to complete usage of the scholarship.

(4) For the graduating classes of 1999 and 2000, the authorized use period is limited to two consecutive years following graduation. Students who were not eligible for the first year of benefits, or who did not use the first year of benefits, may reapply for the second year benefits, but may not renew for a third year.

(5) Receipt of the scholarship is dependent upon the availability of funding.

#### NEW SECTION

**WAC 250-80-080 Appeals.** (1) The board will set an annual deadline for the receipt of appeals.

(2) Appeals must be submitted to the board in writing before the application deadline.

(3) The board may use its judgment to except individual students from a program rule or rules based on substantial documented mitigating circumstances.

#### NEW SECTION

**WAC 250-80-090 The account.** (1) The Washington promise scholarship account is established in the custody of the state treasurer for the purpose of administering the Washington promise scholarship program.

(2) The annual allotment is to be deposited into the account for the purpose of making commitments to students for future scholarship payments, disbursements of the scholarship awards, and for the administrative expenses of the program, as limited by the board's biennial budget provisos.

(3) All moneys not claimed by students, the refund of tuition and fees, and contributions from nonstate sources are to be deposited into the account and used for future payments.

#### NEW SECTION

**WAC 250-80-100 Program administration.** (1) The higher education coordinating board shall administer the program. The board shall be responsible for:

- (a) Collection of student applications;
- (b) Determination of student eligibility;
- (c) Determination of the eligibility of postsecondary institutions within Washington;
- (d) Adjudication of all appeals;
- (e) Disbursement of awards; and

(f) Maintenance of records.

(2) The OSPI shall be responsible for:

(a) Certifying the list of qualified high schools in the state of Washington;

(b) Providing guidance to high schools as to how the top ten percent or fifteen percent of each senior graduating class shall be determined;

(c) Specifying the number of students per high school that may be named as comprising the top ten percent or top fifteen percent of the graduating class;

(d) The collection and compilation of the list from each high school of the top ten percent or top fifteen percent of each graduating high school class; and

(e) The delivery of that list to the board.

#### **WSR 00-08-084**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **FISH AND WILDLIFE**

[Order 00-42—Filed April 4, 2000, 11:42 a.m.]

Date of Adoption: April 3, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25000A; and amending WAC 220-56-235 and 220-56-250.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are necessary to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 3, 2000

J. P. Koenigs

Director

EMERGENCY

NEW SECTION

**WAC 220-56-23500E Possession limits—Bottomfish.**

Notwithstanding the provisions of WAC 220-56-235, effective immediately until further notice the daily limit for lingcod in Catch Record Areas 1 through 3 is one fish, minimum length 24 inches.

NEW SECTION

**WAC 220-56-25000B Lingcod—Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-250, effective immediately until further notice, it is lawful to fish for or possess lingcod for personal use in Catch Record Card Areas 1 through 3.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25000A      Lingcod—Areas and seasons. (99-231)

EMERGENCY

**WSR 00-08-008**  
**ATTORNEY GENERAL OPINION**

Cite as: AGO 2000 No. 1  
 [January 19, 2000]

**BOUNDARY REVIEW BOARDS - CITIES AND TOWNS - ANNEXATION** - Authority of boundary review board to add additional territory to a proposal to annex territory to a city by the petition method.

A boundary review board has authority, when reviewing a proposal to annex territory to a city by petition, to add additional territory to the proposal beyond that described in the original petition.

The Honorable John Koster  
 State Representative, 39th District  
 P.O. Box 40600  
 Olympia, WA 98504-0600

**WSR 00-08-009**  
**ATTORNEY GENERAL OPINION**

Cite as: AGO 2000 No. 2  
 [March 6, 2000]

**COUNTIES - CITIES AND TOWNS - MUNICIPAL COURTS - INTER-LOCAL COOPERATION ACT** - Authority of county to decline to enter into contract with city or town to handle misdemeanor cases referred from city law enforcement agency.

RCW 39.34.180 does not obligate a county to enter into a contract with a city or town to handle, through the county's court system, misdemeanor cases referred from the city or town's law enforcement officers; however, once a county has agreed to enter into such an agreement, the county must submit to binding arbitration if no agreement is reached concerning the payments to be made under the agreement.

The Honorable Mary Margaret Haugen  
 Senator, 10th Legislative District  
 P.O. Box 40482  
 Olympia, WA 98504-0482

**WSR 00-08-012**  
**NOTICE OF PUBLIC MEETINGS**  
**PENINSULA COLLEGE**  
 [Memorandum—March 22, 2000]

**Revision to Board of Trustees Calendar - Open Public Meetings 2000**

The board of trustees of Peninsula College, District 1, Port Angeles, Washington, submits a change to the June 2000 calendar.

The June 13 meeting will take place at the Port Angeles-Art Feiro Marine Lab on the Port Angeles City Pier, at 2:00 p.m.

**WSR 00-08-015**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed March 24, 2000, 3:08 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: 99-64 MAA Numbered Memorandum.  
 Subject: Year 2000 changes and additions to CPT and HCFA procedure codes—RBRVS.

Effective Date: January 1, 2000.

Document Description: Effective with dates of service on or after January 1, 2000, the Medical Assistance Administration will begin using the Year 2000 CPT and HCPCS Level II code additions as discussed in this memorandum for all RBRVS Users. Maximum allowable fees for the Year 2000 additions and base anesthesia units are also included.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

March 21, 2000

Leslie Saeger, Manager  
 Regulatory Improvement Project

**WSR 00-08-016**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed March 24, 2000, 3:09 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: 99-65 MAA Numbered Memorandum.  
 Subject: Family planning/STD clinics—Year 2000 changes and additions to CPT and HCFA procedure codes.

Effective Date: January 1, 2000.

Document Description: Effective with dates of service on or after January 1, 2000, the Medical Assistance Administration will begin using the Year 2000 CPT and HCPCS Level II codes for Norplant and intrauterine copper contraceptive device.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

March 21, 2000

Leslie Saeger, Manager  
 Regulatory Improvement Project

**WSR 00-08-017**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed March 24, 2000, 3:10 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-66 MAA Numbered Memorandum.  
 Subject: Dentists—Year 2000 changes and additions to CPT codes.

Effective Date: January 1, 2000.

Document Description: Effective with dates of service on or after January 1, 2000, the Medical Assistance Administration will begin using the Year 2000 CPT additions as discussed in this memorandum. Maximum allowable fees for the Year 2000 additions are also included.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

March 21, 2000  
 Leslie Saeger, Manager  
 Regulatory Improvement Project

**WSR 00-08-019**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed March 24, 2000, 3:12 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-68 MAA Numbered Memorandum.  
 Subject: Blood banks—Year 2000 changes and additions to CPT codes and HCFA codes.

Effective Date: January 1, 2000.

Document Description: Effective with dates of service on or after January 1, 2000, the Medical Assistance Administration will begin using the Year 2000 CPT and HCPCS Level II code additions as discussed in this memorandum. Maximum allowable fees for the Year 2000 additions are also included.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

March 21, 2000  
 Leslie Saeger, Manager  
 Regulatory Improvement Project

**WSR 00-08-018**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed March 24, 2000, 3:11 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: 99-67 MAA Numbered Memorandum.  
 Subject: Outpatient hospitals—Year 2000 changes and additions to CPT codes and HCFA codes.

Effective Date: January 1, 2000.

Document Description: Effective with dates of service on or after January 1, 2000, the Medical Assistance Administration will begin using the Year 2000 CPT and HCPCS Level II code additions as discussed in this memorandum. Maximum allowable fees for the Year 2000 additions are also included.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

March 21, 2000  
 Leslie Saeger, Manager  
 Regulatory Improvement Project

**WSR 00-08-023**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Title and Registration Advisory Committee)  
 [Memorandum—March 24, 2000]

Please publish a public meeting notice for the next Title and Registration Advisory Committee (TRAC) meeting in the next publication of the State Register.

DATE: April 12, 2000  
 TIME: 1:00 p.m. - 3:00 p.m.  
 PLACE: Highways-Licenses Building  
 Conference Room 413  
 1125 Washington Street  
 Olympia, WA 98504

**WSR 00-08-024**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYEES**  
**BENEFITS BOARD**  
 [Memorandum—March 24, 2000]

Cancellation of Public Employees Benefits Board Meeting

Because the legislature continues in special session and the final Public Employees Benefits Board (PEBB) budget for 2001 is not known, the PEBB will not meet on March 28.

MISC.

The next meeting of the board is currently scheduled for April 18.

**WSR 00-08-025**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 (Board of Natural Resources)  
 [Memorandum—March 24, 2000]

Special meeting of the Board of Natural Resources

While it is not mandated by statute, I wanted to let you know of a special meeting of the Board of Natural Resources that has been scheduled for April 4, 2000.

Regular and Special Meeting Notice  
 for the Board of Natural Resources

The next regular meeting of the Board of Natural Resources will be held in Room 172 of the Natural Resources Building in Olympia, Washington, on April 4, 2000. The business meeting will begin at 9:00 a.m. Some board members may participate via speaker telephone.

In addition, the board will hold a special meeting for the purpose of touring the Lake Whatcom Watershed to view land and resource management issues on state trust lands within the municipal watershed. The tour will begin at 1:00 p.m. at the marina in Sudden Valley, Whatcom County.

The board will be traveling along logging roads not generally open to the public. While members of the public may join the tour, they must travel in their own vehicles, carpooling is strongly recommended, and they should consider the hazards that logging roads present.

Please feel free to call (360) 902-1032 if you have any questions or need additional directions.

Special Meeting Notice  
 Board of Natural Resources  
 Bellingham, Washington  
 April 4, 2000

Special Meeting/Tour: 1:00 p.m. to 3:30 p.m.  
 Location: Sudden Valley Marina, Picnic Area  
 On Marina Drive at  
 Sudden Valley on Lake Whatcom  
 (Enter at 2145 Lake Whatcom Boulevard - Gate #1)

NOTE: This special meeting of the Board of Natural Resources is called for the purpose of touring the Lake Whatcom Watershed to view land and resource management issues on state trust lands within the municipal watershed.

Please note: All times are estimates to assist in scheduling and may be changed subject to the business of the day and the board's discretion.

**WSR 00-08-026**  
**ATTORNEY GENERAL'S OFFICE**  
 [Filed March 27, 2000, 3:45 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by April 26, 2000. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by April 26, 2000, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 586-4218, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**00-03-05 Request by: State Representative Jeff Gombosky, 3rd Legislative District**  
**State Representative Duane Sommers, 6th Legislative District**

**Can the city of Spokane legally conduct a special election to elect a new mayor at its currently scheduled election in November 2000, in light of Proposition 2, a set of amendments to the city charter which adopted a "strong mayor" form of government, and in light of RCW 29.13.-020, which calls for municipal elections to be held on odd-numbered years?**

**WSR 00-08-028**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Memorandum—March 28, 2000]

Eastern Washington University  
**BOARD OF TRUSTEES**  
 March 23, 2000  
 Showalter Hall, Room 214  
 526 5th Street

Cheney, WA 99004  
8:00 a.m.

**ANNOUNCEMENT  
of  
Special Meeting  
by  
Conference Call**

A special meeting has been called by the EWU board of trustees for the purpose of discussing one agenda item: A proposal to change the orientation dates and the start date of fall quarter 2000.

Anyone wishing to participate in the conference call is invited to come to Showalter Hall 214, on the Eastern Washington University campus, where a conference telephone will be available.

**WSR 00-08-033  
NOTICE OF PUBLIC MEETINGS  
BATES TECHNICAL COLLEGE**

[Memorandum—March 24, 2000]

The five trustees of Bates Technical College board will attend the Washington State Trustees' Association of Community and Technical Colleges (TACTC) annual spring conference. We hereby notify you of this extraordinary "meeting" of the board.

Trustees Ceccarelli, Lake, Russell, Dewhurst, and Skanes will be on Orcas Island, (Washington) at the Rosario Resort, May 1-3, 2000. They will attend various TACTC meetings held at the resort. No board business (actions) will take place during the conference.

**WSR 00-08-070  
NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF LICENSING**

(Title and Registration Advisory Committee)

[Memorandum—March 24, 2000]

The Title and Registration Advisory Committee (TRAC) meeting that was scheduled for April 12, 2000, has been adjourned and will reconvene in July 2000.

**WSR 00-08-071  
NOTICE OF PUBLIC MEETINGS  
PUBLIC WORKS BOARD**

[Memorandum—March 23, 2000]

**NOTICE OF MEETING LOCATION**

The location for the Public Works Board regular meeting scheduled for May 2, 2000, will be Cavanaugh's at Yakima

Center in Yakima, Washington. The meeting will begin at 8:30 a.m.

**WSR 00-08-073  
NOTICE OF PUBLIC MEETINGS  
EDMONDS COMMUNITY COLLEGE**

[Memorandum—March 31, 2000]

**EDMONDS COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
NOTICE OF SPECIAL MEETINGS  
TO MEDIA/OTHER**

- April 14, 2000\* Edmonds Community College board of trustees and Central Washington University board of trustees joint luncheon: EdCC, SnoKing Building, 6600 196th Street S.W., Lynnwood, WA, 11:00 a.m. - 1:00 p.m.  
*Purpose: Joint luncheon to introduce trustees and discuss CWU/EdCC partnership.*
- April 20, 2000\* Edmonds Community College board of trustees study session: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 12:00 - 3:00 p.m.  
*Purpose: To discuss college policy issues.*
- April 20, 2000\* Tenure and Permanent Status Reception: EdCC, Snohomish Hall, Room 304, 20226 68th Avenue West, Lynnwood, WA, 3:00 - 4:00 p.m.  
*Purpose: Reception to honor tenure and permanent status employees.*
- April 20, 2000\* Edmonds Community College board of trustees regular board meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.  
*Purpose: To address routine college business issues.*

\*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

**WSR 00-08-074  
NOTICE OF PUBLIC MEETINGS  
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—April 3, 2000]

**EASTERN WASHINGTON UNIVERSITY  
BOARD OF TRUSTEES  
April 7, 10:00 a.m.  
Riverpoint Campus  
Classroom Building Room 118**

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities.

MISC.

Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

**WSR 00-08-086**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 00-02]

**Computer Software Piracy**

**WHEREAS**, Washington is home to over 7,000 high-technology businesses, including software developers, software training groups, and software and hardware service organizations;

**WHEREAS**, these companies employ more than 76,000 people, pay more than \$3.7 billion in wages, generate more than \$10.3 billion in sales, and contribute \$726 million in combined state and federal taxes;

**WHEREAS**, the industry estimates that pirated software annually costs Washington's economy 3,700 jobs, \$205 million in wages, \$488 million in retail sales, and \$41 million in combined state and federal taxes; and

**WHEREAS**, as a major purchaser and user of computer software, Washington State government must ensure that its practices meet legal requirements;

**NOW THEREFORE, I**, Gary Locke, Governor of the state of Washington, declare my support for the software industry of Washington State and hereby order and direct the following actions:

Section 1. Policy. It shall be the policy of the state to work diligently to combat computer software piracy and follow the letter and spirit of state and federal law, including the Copyright Act, as well as international agreements in effect in the United States, including applicable provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights and the Berne Convention for the Protection of Literary and Artistic Works.

(a) Each agency shall adopt procedures to prevent the unlawful acquisition, reproduction, distribution or transmission of computer software.

(b) Each agency shall establish procedures to ensure that its use of computer software complies with the law. These procedures may include:

(i) preparing inventories of software present on the agency's computers;

(ii) determining what computer software the agency has the authorization to use; and

(iii) developing and maintaining adequate record-keeping systems.

(c) If an agency becomes aware that its contractors or financial assistance recipients are using state funds to acquire, operate or maintain computer software in violation

of law, the agency shall take appropriate measures, including requiring the use of certifications or written assurances.

(d) Agencies shall cooperate fully with each other in implementing this order and shall share information with each other that may be useful in combating the unlawful use of computer software.

Section 2. Responsibilities of Agency Heads. In connection with the acquisition and use of computer software, the head of each agency shall:

(a) ensure that only authorized software is acquired for and used on the agency's computers;

(b) ensure that appropriate agency staff are educated regarding copyrights protecting software, as well as the policies and procedures adopted by the agency to honor those protections; and

(c) ensure that the policies, procedures and practices of the agency related to copyrights protecting software are adequate, and also fully implement the policies set forth in this order.

Section 3. Information Services Board. Within six months of the date of this order, agencies shall submit copies of their policies and procedures developed pursuant to this order to the Information Services Board.

Section 4. Law Enforcement Activities. Nothing in this order shall be construed to require the disclosure of law enforcement investigative sources or methods, or to prohibit or otherwise impair a lawful investigative or protective activity undertaken by or on behalf of the state.

Section 5. Judicial Review. This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, at law or in equity, that may be asserted against the state, its officers or employees, or any other person.

Section 6. This Executive Order shall take effect immediately.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this third day of April, A.D., Two-Thousand.

Gary Locke

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

\_\_\_\_\_  
Assistant Secretary of State

MISC.

**WSR 00-08-087****DEPARTMENT OF ECOLOGY**

[Filed April 4, 2000, 4:28 p.m.]

**NOTICE OF ISSUANCE OF THE  
GENERAL PERMIT FOR HATCHERIES**

**Introduction:** Ecology is reissuing the upland fin-fish hatching and rearing general permit. The previous permit was issued February 3, 1995. The purpose of the permit is to control the discharge of pollutants from hatcheries into waters of the state. The permit implements the Federal Clean Water Act, the State Water Pollution Control Act and chapter 173-221A WAC, Wastewater discharge standards and effluent limitations. Dischargers who require coverage under this permit include all state and private hatcheries that produce more than 20,000 pounds of fish per year or feed more than 5,000 pounds per month. The permit also contains best management practices; and effluent limitations and monitoring requirements necessary to protect state water quality. The public comment period closed on March 15, 2000.

**Final Determination:** A final determination to reissue this permit was made after ecology evaluated all the public testimony and written comments received during the public comment period. Minor modifications to the draft permit resulted from oral testimony at the public hearing on March 2, 2000, and the written public comment. A copy of the final upland fin-fish hatching and rearing general permit will be sent to all permittees and all parties who submitted written comments or gave public testimony.

**How to Request Copies of the Permit:** Requests for copies of the final permit, fact sheet and responsiveness summary may be made by contacting Paul Stasch, Water Quality Program, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail Psta461@ecy.wa.gov, or by telephoning him at (360) 407-6446.

Ecology is an equal opportunity agency. If you have special accommodations needs or require this document in an alternative format, please contact Paul Stasch at (360) 407-6446 or (360) 407-6006 (TDD).

**WSR 00-08-096****NOTICE OF PUBLIC MEETINGS****BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—April 5, 2000]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, April 20, 2000, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

## Table of WAC Sections Affected

### KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

**WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4- 25-400	AMD-P	00-07-004	16- 80-007	AMD-P	00-03-068	16-147-020	AMD	00-05-025
4- 25-510	PREP	00-03-032	16- 80-007	AMD	00-06-066	16-147-030	AMD	00-05-025
4- 25-510	AMD-P	00-07-005	16- 80-010	AMD-P	00-03-068	16-200-512	REP-XR	00-07-068
4- 25-522	REP-P	00-07-006	16- 80-010	AMD	00-06-066	16-200-695	PREP	00-03-076
4- 25-540	AMD-P	00-07-007	16- 80-015	AMD-P	00-03-068	16-202-1000	PREP	00-03-076
4- 25-631	AMD-P	00-07-008	16- 80-015	AMD	00-06-066	16-202-2000	PREP	00-03-076
4- 25-660	AMD-P	00-07-009	16- 80-020	AMD-P	00-03-068	16-213-010	REP-P	00-05-048
4- 25-661	AMD-P	00-07-010	16- 80-020	AMD	00-06-066	16-213-010	REP	00-08-041
4- 25-750	AMD-P	00-07-011	16- 80-025	AMD-P	00-03-068	16-213-100	REP-P	00-05-048
4- 25-780	REP-P	00-07-012	16- 80-025	AMD	00-06-066	16-213-100	REP	00-08-041
4- 25-781	NEW-P	00-07-013	16- 80-025	AMD	00-06-066	16-213-110	REP-P	00-05-048
4- 25-782	NEW-P	00-07-013	16- 80-030	AMD-P	00-03-068	16-213-110	REP	00-08-041
4- 25-783	NEW-P	00-07-013	16- 80-030	AMD	00-06-066	16-213-120	REP-P	00-05-048
4- 25-830	PREP	00-03-033	16- 80-035	AMD-P	00-03-068	16-213-120	REP	00-08-041
4- 25-830	AMD-P	00-07-014	16- 80-035	AMD	00-06-066	16-213-130	REP-P	00-05-048
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16- 70-001	REP	00-06-064	16- 80-045	AMD	00-06-066	16-213-200	AMD	00-08-041
16- 70-005	AMD-P	00-03-070	16- 80-047	AMD-P	00-03-068	16-213-220	REP-P	00-05-048
16- 70-005	AMD	00-06-064	16- 80-047	AMD	00-06-066	16-213-220	REP	00-08-041
16- 70-010	AMD-P	00-03-070	16- 80-047	AMD	00-06-066	16-213-220	REP	00-08-041
16- 70-010	AMD	00-06-064	16- 80-050	REP-P	00-03-068	16-213-230	REP-P	00-05-048
16- 70-030	REP-P	00-03-070	16- 80-050	REP	00-06-066	16-213-230	REP	00-08-041
16- 70-030	REP	00-06-064	16- 80-050	REP	00-06-066	16-213-230	REP	00-08-041
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16- 74-001	REP-P	00-03-069	16-101X	PREP	00-07-115	16-213-240	REP	00-08-041
16- 74-001	REP	00-06-065	16-112-001	REP	00-05-024	16-213-240	REP	00-08-041
16- 74-005	NEW-P	00-03-069	16-112-001	REP	00-05-024	16-213-250	REP-P	00-05-048
16- 74-005	NEW	00-06-065	16-112-010	REP	00-05-024	16-213-250	REP	00-08-041
16- 74-010	AMD-P	00-03-069	16-112-010	REP	00-05-024	16-213-250	REP	00-08-041
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16- 74-040	REP-P	00-03-069	16-143-040	NEW-P	00-08-107	16-213-270	AMD	00-08-041
16- 74-040	REP	00-06-065	16-143-050	NEW-P	00-08-107	16-228-1010	PREP	00-03-080
16- 80-005	AMD-P	00-03-068	16-143-060	NEW-P	00-08-107	16-228-1040	PREP	00-03-080
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			16-143-080	NEW-P	00-08-107	16-228-1200	PREP	00-03-080
			16-143-090	NEW-P	00-08-107	16-228-1220	PREP	00-03-077
			16-143-100	NEW-P	00-08-107	16-228-1230	PREP	00-03-080
			16-143-110	NEW-P	00-08-107	16-228-1240	PREP	00-03-077
			16-147-010	AMD	00-05-025	16-228-1250	PREP	00-03-077
						16-228-1270	PREP	00-03-080
						16-228-1300	PREP	00-03-077

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-228-1320	PREP	00-03-077	118-06-040	REP	00-05-011	132E-124-020	AMD-P	00-06-063
16-228-1380	PREP	00-03-080	118-06-050	REP	00-05-011	132E-124-020	DECOD-P	00-06-063
16-228-1385	PREP	00-03-080	118-06-060	REP	00-05-011	132G-276-010	AMD-P	00-02-074
16-228-1400	PREP	00-03-078	118-06-070	REP	00-05-011	132G-276-010	AMD-S	00-06-074
16-228-1500	PREP	00-03-079	118-06-080	REP	00-05-011	132G-276-020	AMD-P	00-02-074
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16-228-1540	PREP	00-03-080	118-07-020	REP	00-05-011	132G-276-030	REP-P	00-02-074
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16-228-1580	PREP	00-03-080	118-07-040	REP	00-05-011	132G-276-040	REP-P	00-02-074
16-228-2000	PREP	00-03-077	118-07-050	REP	00-05-011	132G-276-040	REP-S	00-06-074
16-230	PREP	00-04-020	118-07-060	REP	00-05-011	132G-276-050	AMD-P	00-02-074
16-230	PREP	00-04-021	118-08-010	REP	00-05-011	132G-276-050	AMD-S	00-06-074
16-230	PREP	00-04-022	118-08-020	REP	00-05-011	132G-276-060	AMD-P	00-02-074
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16-409	PREP	00-03-085	118-08-040	REP	00-05-011	132G-276-080	AMD-P	00-02-074
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16-439	PREP	00-07-134	118-08-060	REP	00-05-011	132G-276-090	AMD-P	00-02-074
16-442	PREP	00-07-133	118-08-070	REP	00-05-011	132G-276-090	AMD-S	00-06-074
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16-483-020	AMD	00-05-105	132E-120-020	DECOD-P	00-06-063	132G-276-130	AMD-P	00-02-074
16-483-030	AMD	00-05-105	132E-120-030	AMD-P	00-06-063	132G-276-130	AMD-S	00-06-074
16-483-040	AMD	00-05-105	132E-120-030	DECOD-P	00-06-063	132G-276-130	AMD-S	00-06-074
16-483-050	AMD	00-05-105	132E-120-040	AMD-P	00-06-063	132G-276-900	AMD-P	00-02-074
16-483-060	REP	00-05-105	132E-120-040	DECOD-P	00-06-063	132G-276-900	AMD-S	00-06-074
16-516-010	AMD-XA	00-07-079	132E-120-110	NEW-P	00-06-063	132L-20-010	REP	00-07-113
16-516-020	AMD-XA	00-07-079	132E-120-120	NEW-P	00-06-063	132L-20-030	REP	00-07-113
16-536-040	AMD-P	00-05-089	132E-120-130	NEW-P	00-06-063	132L-20-050	REP	00-07-113
16-550-020	AMD-XA	00-05-090	132E-120-130	NEW-P	00-06-063	132L-20-070	REP	00-07-113
16-555-020	AMD-XA	00-05-091	132E-120-140	NEW-P	00-06-063	132L-20-080	REP	00-07-113
16-557	AMD-C	00-08-066	132E-120-150	NEW-P	00-06-063	132L-20-130	REP	00-07-113
16-557-010	REP-C	00-07-136	132E-120-160	RECOD-P	00-06-063	132L-20-135	REP	00-07-113
16-557-020	REP-C	00-07-136	132E-120-170	RECOD-P	00-06-063	132L-20-140	REP	00-07-113
16-557-025	REP-C	00-07-136	132E-120-180	RECOD-P	00-06-063	132L-22-020	REP	00-07-113
16-557-030	REP-C	00-07-136	132E-120-190	RECOD-P	00-06-063	132L-22-060	REP	00-07-113
16-557-040	REP-C	00-07-136	132E-120-200	NEW-P	00-06-063	132L-22-070	REP	00-07-113
16-557-041	REP-C	00-07-136	132E-120-210	NEW-P	00-06-063	132L-22-080	REP	00-07-113
16-557-050	REP-C	00-07-136	132E-120-220	RECOD-P	00-06-063	132L-24-010	REP	00-07-113
16-557-060	REP-C	00-07-136	132E-120-230	RECOD-P	00-06-063	132L-24-020	REP	00-07-113
16-557-070	REP-C	00-07-136	132E-120-240	NEW-P	00-06-063	132L-24-030	REP	00-07-113
16-557-080	REP-C	00-07-136	132E-120-250	NEW-P	00-06-063	132L-24-090	REP	00-07-113
16-565-020	AMD-XA	00-05-092	132E-120-260	NEW-P	00-06-063	132L-25-010	REP	00-07-113
44-10-010	AMD	00-08-068	132E-120-270	NEW-P	00-06-063	132L-120-010	AMD	00-07-113
44-10-170	AMD	00-08-068	132E-120-280	NEW-P	00-06-063	132L-120-015	NEW	00-07-113
44-10-200	AMD	00-08-068	132E-120-290	NEW-P	00-06-063	132L-120-020	AMD	00-07-113
82-50-021	AMD-XA	00-05-016	132E-120-300	NEW-P	00-06-063	132L-120-030	NEW	00-07-113
112-10-010	AMD	00-05-036	132E-120-310	NEW-P	00-06-063	132L-120-040	NEW	00-07-113
112-10-020	AMD	00-05-036	132E-120-320	NEW-P	00-06-063	132L-120-070	NEW	00-07-113
112-10-030	AMD	00-05-036	132E-120-330	NEW-P	00-06-063	132L-120-080	NEW	00-07-113
112-10-040	AMD	00-05-036	132E-120-340	NEW-P	00-06-063	132L-120-090	NEW	00-07-113
112-10-050	AMD	00-05-036	132E-120-350	NEW-P	00-06-063	132L-120-100	NEW	00-07-113
112-10-060	AMD	00-05-036	132E-120-360	NEW-P	00-06-063	132L-120-110	NEW	00-07-113
112-10-070	NEW	00-05-036	132E-120-370	NEW-P	00-06-063	132L-120-120	NEW	00-07-113
112-10-080	NEW	00-05-036	132E-120-380	NEW-P	00-06-063	132L-120-130	NEW	00-07-113
118-03-330	REP	00-05-012	132E-120-390	NEW-P	00-06-063	132L-120-140	NEW	00-07-113
118-06-010	REP	00-05-011	132E-120-400	NEW-P	00-06-063	132L-120-150	NEW	00-07-113
118-06-020	REP	00-05-011	132E-120-410	NEW-P	00-06-063	132L-120-160	NEW	00-07-113
118-06-030	REP	00-05-011	132E-121-010	AMD-P	00-06-063	132L-120-170	NEW	00-07-113
			132E-121-010	DECOD-P	00-06-063	132L-120-180	NEW	00-07-113

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132L-120-190	NEW	00-07-113	132Q- 20-170	AMD-P	00-08-075	132X- 60-040	AMD	00-05-023
132L-120-200	NEW	00-07-113	132Q- 20-180	AMD-P	00-08-075	132X- 60-045	NEW	00-05-023
132L-120-210	NEW	00-07-113	132Q- 20-200	AMD-P	00-08-075	132X- 60-046	NEW	00-05-023
132L-120-220	NEW	00-07-113	132Q- 20-210	AMD-P	00-08-075	132X- 60-050	AMD	00-05-023
132Q- 04-010	AMD-P	00-08-075	132Q- 20-220	AMD-P	00-08-075	132X- 60-060	AMD	00-05-023
132Q- 04-020	AMD-P	00-08-075	132Q- 20-240	AMD-P	00-08-075	132X- 60-065	NEW	00-05-023
132Q- 04-031	NEW-P	00-08-075	132Q- 20-250	AMD-P	00-08-075	132X- 60-075	NEW	00-05-023
132Q- 04-035	REP-P	00-08-075	132Q- 20-260	AMD-P	00-08-075	132X- 60-080	AMD	00-05-023
132Q- 04-040	REP-P	00-08-075	132Q- 20-270	AMD-P	00-08-075	132X- 60-090	AMD	00-05-023
132Q- 04-050	REP-P	00-08-075	132Q- 94-010	AMD-P	00-08-075	132X- 60-100	AMD	00-05-023
132Q- 04-060	REP-P	00-08-075	132Q- 94-020	AMD-P	00-08-075	132X- 60-110	AMD	00-05-023
132Q- 04-061	REP-P	00-08-075	132Q- 94-030	AMD-P	00-08-075	132X- 60-120	AMD	00-05-023
132Q- 04-067	REP-P	00-08-075	132Q- 94-125	AMD-P	00-08-075	132X- 60-130	AMD	00-05-023
132Q- 04-068	REP-P	00-08-075	132Q- 94-150	AMD-P	00-08-075	132X- 60-140	AMD	00-05-023
132Q- 04-070	REP-P	00-08-075	132X- 10-010	AMD	00-05-023	132X- 60-150	AMD	00-05-023
132Q- 04-075	REP-P	00-08-075	132X- 10-030	AMD	00-05-023	132X- 60-160	AMD	00-05-023
132Q- 04-076	AMD-P	00-08-075	132X- 10-050	AMD	00-05-023	132X- 60-170	AMD	00-05-023
132Q- 04-080	REP-P	00-08-075	132X- 10-060	AMD	00-05-023	132X- 60-178	NEW	00-05-023
132Q- 04-081	REP-P	00-08-075	132X- 10-080	AMD	00-05-023	132X- 60-180	AMD	00-05-023
132Q- 04-082	REP-P	00-08-075	132X- 10-100	AMD	00-05-023	132Z-112-010	NEW-P	00-07-121
132Q- 04-083	REP-P	00-08-075	132X- 10-110	AMD	00-05-023	132Z-112-020	NEW-P	00-07-121
132Q- 04-085	REP-P	00-08-075	132X- 20-010	REP	00-05-022	132Z-112-030	NEW-P	00-07-121
132Q- 04-090	REP-P	00-08-075	132X- 20-020	REP	00-05-022	132Z-112-040	NEW-P	00-07-121
132Q- 04-094	REP-P	00-08-075	132X- 20-030	REP	00-05-022	132Z-112-050	NEW-P	00-07-121
132Q- 04-095	REP-P	00-08-075	132X- 20-040	REP	00-05-022	132Z-115-010	NEW-P	00-07-121
132Q- 04-096	REP-P	00-08-075	132X- 20-050	REP	00-05-022	132Z-115-020	NEW-P	00-07-121
132Q- 04-100	AMD-P	00-08-075	132X- 20-060	REP	00-05-022	132Z-115-030	NEW-P	00-07-121
132Q- 04-110	AMD-P	00-08-075	132X- 20-070	REP	00-05-022	132Z-115-040	NEW-P	00-07-121
132Q- 04-120	AMD-P	00-08-075	132X- 20-080	REP	00-05-022	132Z-115-050	NEW-P	00-07-121
132Q- 04-130	AMD-P	00-08-075	132X- 20-090	REP	00-05-022	132Z-115-060	NEW-P	00-07-121
132Q- 04-140	AMD-P	00-08-075	132X- 20-100	REP	00-05-022	132Z-115-070	NEW-P	00-07-121
132Q- 04-150	AMD-P	00-08-075	132X- 20-110	REP	00-05-022	132Z-115-080	NEW-P	00-07-121
132Q- 04-170	AMD-P	00-08-075	132X- 20-120	REP	00-05-022	132Z-115-090	NEW-P	00-07-121
132Q- 04-180	AMD-P	00-08-075	132X- 20-130	REP	00-05-022	132Z-115-100	NEW-P	00-07-121
132Q- 04-190	AMD-P	00-08-075	132X- 30-040	AMD	00-05-023	132Z-115-110	NEW-P	00-07-121
132Q- 04-200	AMD-P	00-08-075	132X- 40-020	AMD	00-05-023	132Z-115-120	NEW-P	00-07-121
132Q- 04-210	AMD-P	00-08-075	132X- 50-020	AMD	00-05-023	132Z-115-130	NEW-P	00-07-121
132Q- 04-240	AMD-P	00-08-075	132X- 50-030	AMD	00-05-023	132Z-115-140	NEW-P	00-07-121
132Q- 04-250	AMD-P	00-08-075	132X- 50-040	AMD	00-05-023	132Z-115-150	NEW-P	00-07-121
132Q- 04-260	AMD-P	00-08-075	132X- 50-050	AMD	00-05-023	132Z-115-160	NEW-P	00-07-121
132Q- 04-280	AMD-P	00-08-075	132X- 50-060	AMD	00-05-023	132Z-115-170	NEW-P	00-07-121
132Q- 05-010	AMD-P	00-08-075	132X- 50-080	AMD	00-05-023	132Z-115-180	NEW-P	00-07-121
132Q- 05-020	AMD-P	00-08-075	132X- 50-110	AMD	00-05-023	132Z-115-190	NEW-P	00-07-121
132Q- 05-033	AMD-P	00-08-075	132X- 50-120	AMD	00-05-023	132Z-115-200	NEW-P	00-07-121
132Q- 05-036	AMD-P	00-08-075	132X- 50-130	AMD	00-05-023	132Z-115-210	NEW-P	00-07-121
132Q- 05-040	AMD-P	00-08-075	132X- 50-140	AMD	00-05-023	132Z-115-220	NEW-P	00-07-121
132Q- 05-050	AMD-P	00-08-075	132X- 50-150	AMD	00-05-023	132Z-115-230	NEW-P	00-07-121
132Q- 05-060	AMD-P	00-08-075	132X- 50-160	AMD	00-05-023	136-167-020	AMD	00-05-043
132Q- 05-070	AMD-P	00-08-075	132X- 50-170	AMD	00-05-023	136-167-030	AMD	00-05-043
132Q- 05-080	AMD-P	00-08-075	132X- 50-180	AMD	00-05-023	137- 28	PREP	00-02-070
132Q- 05-090	AMD-P	00-08-075	132X- 50-190	AMD	00-05-023	137- 28-140	AMD-P	00-07-048
132Q- 05-100	AMD-P	00-08-075	132X- 50-210	AMD	00-05-023	137- 28-160	AMD-P	00-07-048
132Q- 20-010	AMD-P	00-08-075	132X- 50-230	AMD	00-05-023	137- 28-170	AMD-P	00-07-048
132Q- 20-020	AMD-P	00-08-075	132X- 50-240	AMD	00-05-023	137- 28-185	NEW-P	00-07-048
132Q- 20-040	AMD-P	00-08-075	132X- 50-260	AMD	00-05-023	137- 28-220	AMD-P	00-07-048
132Q- 20-060	AMD-P	00-08-075	132X- 50-270	AMD	00-05-023	137- 28-230	AMD-P	00-07-048
132Q- 20-080	AMD-P	00-08-075	132X- 50-280	AMD	00-05-023	137- 28-260	AMD-P	00-07-048
132Q- 20-090	AMD-P	00-08-075	132X- 60-010	AMD	00-05-023	137- 28-270	AMD-P	00-07-048
132Q- 20-110	AMD-P	00-08-075	132X- 60-015	NEW	00-05-023	137- 28-290	AMD-P	00-07-048
132Q- 20-130	AMD-P	00-08-075	132X- 60-020	AMD	00-05-023	137- 28-300	AMD-P	00-07-048
132Q- 20-150	AMD-P	00-08-075	132X- 60-035	NEW	00-05-023	137- 28-310	AMD-P	00-07-048
132Q- 20-160	AMD-P	00-08-075	132X- 60-037	NEW	00-05-023	137- 28-320	REP-P	00-07-048

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
137- 28-350	AMD-P	00-07-048	139- 01-465	REP-P	00-07-097	139- 10-212	AMD-P	00-07-097
137- 28-380	AMD-P	00-07-048	139- 01-470	REP-P	00-07-097	139- 10-215	AMD-P	00-07-097
137- 28-420	AMD-P	00-07-048	139- 01-475	REP-P	00-07-097	139- 10-220	AMD-P	00-07-097
137-125-005	NEW-E	00-05-044	139- 01-510	REP-P	00-07-097	139- 10-221	NEW-P	00-07-097
137-125-010	NEW-E	00-05-044	139- 01-515	REP-P	00-07-097	139- 10-222	AMD-P	00-07-097
137-125-015	NEW-E	00-05-044	139- 01-520	REP-P	00-07-097	139- 10-230	AMD-P	00-07-097
137-125-040	NEW-E	00-05-044	139- 01-525	REP-P	00-07-097	139- 10-235	AMD-P	00-07-097
137-125-042	NEW-E	00-05-044	139- 01-530	REP-P	00-07-097	139- 10-236	NEW-P	00-07-097
137-125-044	NEW-E	00-05-044	139- 01-535	REP-P	00-07-097	139- 10-237	AMD-P	00-07-097
137-125-046	NEW-E	00-05-044	139- 01-540	REP-P	00-07-097	139- 10-240	AMD-P	00-07-097
137-125-048	NEW-E	00-05-044	139- 01-545	REP-P	00-07-097	139- 10-310	AMD-P	00-07-097
137-125-052	NEW-E	00-05-044	139- 01-550	REP-P	00-07-097	139- 10-320	AMD-P	00-07-097
137-125-054	NEW-E	00-05-044	139- 01-555	REP-P	00-07-097	139- 10-410	AMD-P	00-07-097
137-125-060	NEW-E	00-05-044	139- 01-560	REP-P	00-07-097	139- 10-420	AMD-P	00-07-097
137-125-070	NEW-E	00-05-044	139- 01-565	REP-P	00-07-097	139- 10-510	AMD-P	00-07-097
137-125-072	NEW-E	00-05-044	139- 01-570	REP-P	00-07-097	139- 10-520	AMD-P	00-07-097
137-125-076	NEW-E	00-05-044	139- 01-575	REP-P	00-07-097	139- 25	PREP	00-04-048
137-125-078	NEW-E	00-05-044	139- 01-610	REP-P	00-07-097	139- 25-110	AMD-P	00-07-097
137-125-090	NEW-E	00-05-044	139- 01-615	REP-P	00-07-097	173- 98-030	AMD-XA	00-04-085
137-125-095	NEW-E	00-05-044	139- 01-620	REP-P	00-07-097	173-181	PREP	00-05-096
137-125-100	NEW-E	00-05-044	139- 01-625	REP-P	00-07-097	173-202-010	REP-XR	00-06-038
137-125-105	NEW-E	00-05-044	139- 01-630	REP-P	00-07-097	173-202-020	REP-XR	00-06-038
137-125-110	NEW-E	00-05-044	139- 01-710	REP-P	00-07-097	173-224-040	AMD-XA	00-07-112
137-125-115	NEW-E	00-05-044	139- 01-715	REP-P	00-07-097	173-303-010	AMD-P	00-02-081
137-125-120	NEW-E	00-05-044	139- 01-720	REP-P	00-07-097	173-303-016	AMD-P	00-02-081
137-125-125	NEW-E	00-05-044	139- 01-725	REP-P	00-07-097	173-303-040	AMD-P	00-02-081
137-125-130	NEW-E	00-05-044	139- 01-730	REP-P	00-07-097	173-303-045	AMD-P	00-02-081
137-125-135	NEW-E	00-05-044	139- 01-735	REP-P	00-07-097	173-303-060	AMD-P	00-02-081
137-125-140	NEW-E	00-05-044	139- 01-735	REP-P	00-07-097	173-303-070	AMD-P	00-02-081
137-125-140	NEW-E	00-05-044	139- 01-810	REP-P	00-07-097	173-303-071	AMD-P	00-02-081
137-125-195	NEW-E	00-05-044	139- 01-820	REP-P	00-07-097	173-303-073	AMD-P	00-02-081
137-130-005	NEW-E	00-05-045	139- 02-010	NEW-P	00-07-097	173-303-077	AMD-P	00-02-081
137-130-010	NEW-E	00-05-045	139- 02-020	NEW-P	00-07-097	173-303-100	AMD-P	00-02-081
137-130-020	NEW-E	00-05-045	139- 02-030	NEW-P	00-07-097	173-303-110	AMD-P	00-02-081
137-130-030	NEW-E	00-05-045	139- 02-040	NEW-P	00-07-097	173-303-120	AMD-P	00-02-081
137-130-040	NEW-E	00-05-045	139- 02-050	NEW-P	00-07-097	173-303-160	AMD-P	00-02-081
137-130-050	NEW-E	00-05-045	139- 02-060	NEW-P	00-07-097	173-303-170	AMD-P	00-02-081
137-130-060	NEW-E	00-05-045	139- 02-070	NEW-P	00-07-097	173-303-180	AMD-P	00-02-081
137-130-070	NEW-E	00-05-045	139- 02-080	NEW-P	00-07-097	173-303-190	AMD-P	00-02-081
137-130-080	NEW-E	00-05-045	139- 02-090	NEW-P	00-07-097	173-303-200	AMD-P	00-02-081
137-130-090	NEW-E	00-05-045	139- 02-100	NEW-P	00-07-097	173-303-201	AMD-P	00-02-081
137-130-100	NEW-E	00-05-045	139- 02-110	NEW-P	00-07-097	173-303-240	AMD-P	00-02-081
137-130-110	NEW-E	00-05-045	139- 03-010	NEW-P	00-07-097	173-303-280	AMD-P	00-02-081
137-130-120	NEW-E	00-05-045	139- 03-020	NEW-P	00-07-097	173-303-281	AMD-P	00-02-081
137-130-130	NEW-E	00-05-045	139- 03-030	NEW-P	00-07-097	173-303-300	AMD-P	00-02-081
137-130-140	NEW-E	00-05-045	139- 03-040	NEW-P	00-07-097	173-303-320	AMD-P	00-02-081
137-130-150	NEW-E	00-05-045	139- 03-050	NEW-P	00-07-097	173-303-360	AMD-P	00-02-081
139- 01	PREP	00-04-048	139- 03-060	NEW-P	00-07-097	173-303-370	AMD-P	00-02-081
139- 01-100	AMD-P	00-07-097	139- 03-070	NEW-P	00-07-097	173-303-380	AMD-P	00-02-081
139- 01-110	REP-P	00-07-097	139- 03-080	NEW-P	00-07-097	173-303-390	AMD-P	00-02-081
139- 01-320	REP-P	00-07-097	139- 05	PREP	00-04-048	173-303-390	AMD-P	00-02-081
139- 01-330	REP-P	00-07-097	139- 05-200	AMD-P	00-07-097	173-303-400	AMD-P	00-02-081
139- 01-410	REP-P	00-07-097	139- 05-210	AMD-P	00-07-097	173-303-505	AMD-P	00-02-081
139- 01-415	REP-P	00-07-097	139- 05-220	AMD-P	00-07-097	173-303-510	AMD-P	00-02-081
139- 01-420	REP-P	00-07-097	139- 05-230	AMD-P	00-07-097	173-303-515	AMD-P	00-02-081
139- 01-425	REP-P	00-07-097	139- 05-240	AMD-P	00-07-097	173-303-520	AMD-P	00-02-081
139- 01-430	REP-P	00-07-097	139- 05-242	AMD-P	00-07-097	173-303-522	AMD-P	00-02-081
139- 01-435	REP-P	00-07-097	139- 05-250	AMD-P	00-07-097	173-303-573	AMD-P	00-02-081
139- 01-440	REP-P	00-07-097	139- 05-810	AMD-P	00-07-097	173-303-578	NEW-P	00-02-081
139- 01-445	REP-P	00-07-097	139- 05-912	AMD-P	00-07-097	173-303-600	AMD-P	00-02-081
139- 01-450	REP-P	00-07-097	139- 05-915	AMD-P	00-07-097	173-303-610	AMD-P	00-02-081
139- 01-455	REP-P	00-07-097	139- 10	PREP	00-04-048	173-303-620	AMD-P	00-02-081
139- 01-460	REP-P	00-07-097	139- 10-210	AMD-P	00-07-097	173-303-630	AMD-P	00-02-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-303-640	AMD-P	00-02-081	180- 79A-130	AMD	00-03-048	196- 31-010	NEW	00-08-042
173-303-645	AMD-P	00-02-081	180- 79A-140	PREP	00-05-076	196- 31-020	NEW-P	00-04-059
173-303-646	AMD-P	00-02-081	180- 79A-145	AMD	00-03-048	196- 31-020	NEW	00-08-042
173-303-650	AMD-P	00-02-081	180- 79A-206	AMD	00-03-048	196- 31-030	NEW-P	00-04-059
173-303-680	AMD-P	00-02-081	180- 79A-231	PREP	00-05-076	196- 31-030	NEW	00-08-042
173-303-690	AMD-P	00-02-081	180- 79A-250	AMD	00-03-048	196- 31-040	NEW-P	00-04-059
173-303-691	AMD-P	00-02-081	180- 79A-257	AMD	00-03-048	196- 31-040	NEW	00-08-042
173-303-692	NEW-P	00-02-081	180- 79A-260	AMD	00-03-050	196- 31-050	NEW-P	00-04-059
173-303-693	NEW-P	00-02-081	180- 82-204	AMD-P	00-05-083	196- 31-050	NEW	00-08-042
173-303-800	AMD-P	00-02-081	180- 82-311	NEW-P	00-05-083	196- 31-060	NEW-P	00-04-059
173-303-803	NEW-P	00-02-081	180- 82-313	NEW-P	00-05-083	196- 31-060	NEW	00-08-042
173-303-804	AMD-P	00-02-081	180- 82-335	NEW-P	00-05-083	196- 31-070	NEW-P	00-04-059
173-303-805	AMD-P	00-02-081	180- 82-340	NEW-P	00-05-083	196- 31-070	NEW	00-08-042
173-303-806	AMD-P	00-02-081	180- 82-341	NEW-P	00-05-083	197- 11	PREP	00-07-051
173-303-807	AMD-P	00-02-081	180- 82-342	AMD-P	00-05-083	204- 24-030	PREP	00-08-111
173-303-810	AMD-P	00-02-081	180- 82-343	AMD-P	00-05-083	204- 24-050	AMD	00-03-081
173-303-830	AMD-P	00-02-081	180- 85-030	PREP	00-05-077	204- 38-030	AMD	00-03-023
173-303-840	AMD-P	00-02-081	192- 12-025	REP	00-05-064	204- 38-040	AMD	00-03-023
173-303-9904	AMD-P	00-02-081	192- 12-072	REP	00-05-068	204- 38-050	AMD	00-03-023
173-303-9907	AMD-P	00-02-081	192- 12-405	REP	00-05-069	208-440	PREP	00-04-074
173-425	AMD	00-07-066	192- 16-017	REP-E	00-05-063	208-440-010	PREP	00-04-074
173-425-010	AMD	00-07-066	192- 16-021	REP-W	00-08-076	208-440-020	PREP	00-04-074
173-425-020	AMD	00-07-066	192-150-005	NEW-E	00-05-063	208-440-040	PREP	00-04-074
173-425-030	AMD	00-07-066	192-150-085	NEW-E	00-05-063	208-440-050	PREP	00-04-074
173-425-040	AMD	00-07-066	192-170-050	NEW-W	00-08-076	210- 01-120	AMD-P	00-03-040
173-425-050	AMD	00-07-066	192-170-060	NEW-W	00-08-076	210- 01-120	AMD	00-07-003
173-425-060	AMD	00-07-066	192-270-005	NEW-E	00-05-063	210- 02-010	NEW-P	00-08-069
173-425-070	AMD	00-07-066	192-270-010	NEW-E	00-05-063	210- 02-020	NEW-P	00-08-069
173-425-080	AMD	00-07-066	192-270-015	NEW-E	00-05-063	210- 02-030	NEW-P	00-08-069
173-425-090	REP	00-07-066	192-270-020	NEW-E	00-05-063	210- 02-040	NEW-P	00-08-069
173-425-100	REP	00-07-066	192-270-025	NEW-E	00-05-063	210- 02-050	NEW-P	00-08-069
173-425-110	REP	00-07-066	192-270-030	NEW-E	00-05-063	210- 02-060	NEW-P	00-08-069
180- 27-032	AMD	00-04-007	192-270-035	NEW-E	00-05-063	210- 02-070	NEW-P	00-08-069
180- 27-102	AMD-P	00-05-104	192-270-040	NEW-E	00-05-063	210- 02-080	NEW-P	00-08-069
180- 29-068	NEW	00-04-008	192-270-045	NEW-E	00-05-063	210- 02-090	NEW-P	00-08-069
180- 40-270	AMD	00-07-018	192-270-050	NEW-E	00-05-063	210- 02-100	NEW-P	00-08-069
180- 40-285	AMD	00-07-018	192-270-055	NEW-E	00-05-063	210- 02-110	NEW-P	00-08-069
180- 40-305	AMD	00-07-018	192-270-060	NEW-E	00-05-063	210- 02-120	NEW-P	00-08-069
180- 40-315	AMD	00-07-018	192-270-065	NEW-E	00-05-063	210- 02-130	NEW-P	00-08-069
180- 51-063	NEW	00-04-047	192-270-070	NEW-E	00-05-063	210- 02-140	NEW-P	00-08-069
180- 51-063	PREP	00-07-017	192-300-050	NEW	00-05-068	210- 02-150	NEW-P	00-08-069
180- 51-064	NEW	00-04-047	192-300-170	NEW	00-05-064	210- 02-160	NEW-P	00-08-069
180- 51-075	AMD	00-05-010	192-300-190	NEW	00-05-067	210- 02-170	NEW-P	00-08-069
180- 51-075	PREP	00-06-054	192-320-050	NEW	00-05-068	210- 02-180	NEW-P	00-08-069
180- 52-041	NEW	00-03-046	192-320-070	NEW	00-05-069	210- 02-190	NEW-P	00-08-069
180- 56-230	PREP	00-07-046	192-330-100	NEW	00-05-066	210- 02-200	NEW-P	00-08-069
180- 57-070	PREP	00-07-016	192-340-010	NEW	00-05-065	220- 16-257	AMD	00-08-038
180- 78A-010	AMD	00-03-049	194- 20-010	AMD	00-08-039	220- 16-345	AMD	00-08-038
180- 78A-100	AMD-P	00-05-082	194- 20-010	DECOD	00-08-039	220- 16-590	AMD-P	00-06-083
180- 78A-209	AMD-P	00-05-079	194- 20-020	AMD	00-08-039	220- 16-590	AMD-W	00-07-019
180- 78A-500	PREP	00-05-078	194- 20-020	DECOD	00-08-039	220- 16-590	AMD	00-08-038
180- 78A-505	AMD	00-03-049	194- 20-030	AMD	00-08-039	220- 16-730	NEW	00-08-038
180- 78A-510	AMD	00-03-049	194- 20-030	DECOD	00-08-039	220- 16-740	NEW-P	00-06-083
180- 78A-515	AMD	00-03-049	194- 20-040	AMD	00-08-039	220- 16-740	NEW-W	00-07-019
180- 78A-520	AMD	00-03-049	194- 20-040	DECOD	00-08-039	220- 16-740	NEW	00-08-038
180- 78A-525	AMD	00-03-049	194- 20-050	AMD	00-08-039	220- 16-750	NEW-P	00-06-083
180- 78A-530	AMD	00-03-049	194- 20-050	DECOD	00-08-039	220- 16-750	NEW-W	00-07-019
180- 78A-535	AMD	00-03-049	194- 20-060	REP	00-08-039	220- 16-750	NEW	00-08-038
180- 78A-540	AMD	00-03-049	194- 20-070	REP	00-08-039	220- 20-010	AMD	00-08-038
180- 79A-006	AMD	00-03-048	194- 20-080	AMD	00-08-039	220- 20-015	AMD-P	00-06-083
180- 79A-007	AMD	00-03-048	194- 20-080	DECOD	00-08-039	220- 20-015	AMD-W	00-07-019
180- 79A-123	AMD-P	00-05-080	196- 31-010	NEW-P	00-04-059	220- 20-020	AMD-P	00-06-083

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220-20-020	AMD-W	00-07-019	220-56-08500U	REP-E	00-08-046	222-10-030	NEW-C	00-08-103
220-20-025	AMD-P	00-06-083	220-56-103	AMD	00-08-038	222-10-035	NEW-E	00-06-026
220-20-025	AMD-W	00-07-019	220-56-105	AMD	00-08-038	222-12-010	AMD-E	00-06-026
220-32-05100R	NEW-E	00-04-071	220-56-12800D	NEW-E	00-08-001	222-12-020	AMD-P	00-08-104
220-32-05100R	REP-E	00-04-071	220-56-12800D	REP-E	00-08-001	222-12-041	NEW-E	00-06-026
220-32-05100R	REP-E	00-07-099	220-56-130	AMD	00-08-038	222-12-044	NEW-E	00-06-026
220-32-05700E	NEW-E	00-07-109	220-56-145	AMD	00-08-038	222-12-044	NEW-C	00-08-103
220-33-01000B	NEW-E	00-05-047	220-56-175	AMD-P	00-06-084	222-12-045	AMD-E	00-06-026
220-33-01000B	REP-E	00-05-047	220-56-175	AMD	00-08-038	222-12-045	AMD-C	00-08-103
220-33-01000B	REP-E	00-06-011	220-56-185	AMD	00-08-038	222-12-090	AMD-E	00-06-026
220-33-01000C	NEW-E	00-06-011	220-56-205	AMD	00-08-038	222-12-090	AMD-C	00-08-103
220-33-01000C	REP-E	00-06-036	220-56-235	AMD	00-08-038	222-12-090	AMD-P	00-08-104
220-33-01000D	NEW-E	00-06-036	220-56-23500E	NEW-E	00-08-084	222-16-010	AMD-E	00-06-026
220-33-04000I	REP-E	00-06-017	220-56-240	AMD	00-08-038	222-16-010	AMD-C	00-08-103
220-33-04000J	NEW-E	00-06-017	220-56-250	AMD	00-08-038	222-16-030	AMD-E	00-06-026
220-33-04000J	REP-E	00-06-017	220-56-25000A	REP-E	00-08-084	222-16-030	AMD-C	00-08-103
220-44-05000A	NEW-E	00-04-041	220-56-25000B	NEW-E	00-08-084	222-16-035	AMD-E	00-06-026
220-44-05000Z	REP-E	00-04-041	220-56-27000G	NEW-E	00-06-017	222-16-036	NEW-E	00-06-026
220-48-01500K	NEW-E	00-08-037	220-56-27000G	REP-E	00-06-017	222-16-050	AMD-E	00-06-026
220-52-040	AMD-W	00-08-077	220-56-280	AMD	00-08-038	222-16-050	AMD-C	00-08-103
220-52-04000Q	REP-E	00-04-084	220-56-28500U	NEW-E	00-08-031	222-16-080	AMD-E	00-06-026
220-52-04000R	NEW-E	00-04-084	220-56-28500U	REP-E	00-08-031	222-20-010	AMD-E	00-06-026
220-52-043	AMD-W	00-08-077	220-56-28500V	NEW-E	00-08-046	222-20-010	AMD-C	00-08-103
220-52-04600U	NEW-E	00-04-084	220-56-295	AMD	00-08-038	222-20-015	NEW-E	00-06-026
220-52-04600U	REP-E	00-06-009	220-56-310	AMD	00-08-038	222-20-015	NEW-C	00-08-103
220-52-04600V	REP-E	00-04-084	220-56-315	AMD	00-08-038	222-20-020	AMD-E	00-06-026
220-52-04600X	NEW-E	00-06-009	220-56-330	AMD	00-08-038	222-20-020	AMD-C	00-08-103
220-52-04600X	REP-E	00-08-037	220-56-33000V	REP-E	00-08-037	222-20-055	NEW-E	00-06-026
220-52-04600Y	NEW-E	00-08-037	220-56-33000	NEW-E	00-06-009	222-20-070	AMD-C	00-08-103
220-52-04600Y	REP-E	00-08-037	220-56-33000	REP-E	00-08-037	222-20-080	AMD-E	00-06-026
220-52-04600Y	REP-E	00-08-044	220-56-33000X	NEW-E	00-07-098	222-21-005	NEW-P	00-08-104
220-52-04600Z	NEW-E	00-08-044	220-56-33000Y	NEW-E	00-08-037	222-21-010	NEW-P	00-08-104
220-52-04600Z	REP-E	00-08-044	220-56-350	AMD	00-08-038	222-21-020	NEW-P	00-08-104
220-52-06900A	NEW-E	00-04-015	220-56-35000F	NEW-E	00-08-045	222-21-030	NEW-P	00-08-104
220-52-071	AMD	00-03-042	220-56-36000A	REP-E	00-06-010	222-21-035	NEW-P	00-08-104
220-52-073	AMD	00-03-042	220-56-36000B	NEW-E	00-06-010	222-21-040	NEW-P	00-08-104
220-52-07300Q	REP-E	00-03-006	220-56-36000B	REP-E	00-06-010	222-21-045	NEW-P	00-08-104
220-52-07300R	NEW-E	00-03-006	220-56-372	AMD	00-08-038	222-21-050	NEW-P	00-08-104
220-52-07300R	REP-E	00-03-006	220-56-380	AMD	00-08-038	222-21-060	NEW-P	00-08-104
220-52-07300R	REP-E	00-03-044	220-56-38000X	NEW-E	00-08-045	222-21-065	NEW-P	00-08-104
220-52-07300S	NEW-E	00-03-044	220-57-160	AMD	00-08-038	222-21-070	NEW-P	00-08-104
220-52-07300S	REP-E	00-03-044	220-57-16000V	NEW-E	00-07-073	222-21-080	NEW-P	00-08-104
220-52-07300S	REP-E	00-04-013	220-57-16000	NEW-E	00-08-006	222-21-090	NEW-P	00-08-104
220-52-07300T	NEW-E	00-04-013	220-57-17000U	NEW-E	00-07-002	222-22-010	AMD-C	00-08-103
220-52-07300T	REP-E	00-05-041	220-57-18700D	NEW-E	00-07-002	222-22-030	AMD-C	00-08-103
220-52-07300U	NEW-E	00-05-041	220-57-25500G	NEW-E	00-07-002	222-22-035	NEW-C	00-08-103
220-52-07300U	REP-E	00-06-044	220-57-31500J	NEW-E	00-08-022	222-22-040	AMD-C	00-08-103
220-52-07300V	NEW-E	00-06-044	220-57-31500J	REP-E	00-08-022	222-22-050	AMD-C	00-08-103
220-52-07300V	REP-E	00-06-044	220-57-31900Z	NEW-E	00-07-002	222-22-060	AMD-C	00-08-103
220-52-07300	NEW-E	00-07-064	220-57-32100D	NEW-E	00-08-022	222-22-065	NEW-C	00-08-103
220-52-07300	REP-E	00-07-114	220-57-32100D	REP-E	00-08-022	222-22-070	AMD-E	00-06-026
220-52-075	AMD	00-05-054	220-57-34500A	NEW-E	00-03-007	222-22-070	AMD-C	00-08-103
220-55-005	AMD-P	00-06-084	220-57-34500A	REP-E	00-03-007	222-22-075	NEW-E	00-06-026
220-55-010	AMD-P	00-06-084	220-57-50500G	NEW-E	00-08-022	222-22-075	NEW-C	00-08-103
220-55-015	AMD-P	00-06-084	220-57-51500S	NEW-E	00-08-022	222-22-076	NEW-E	00-06-026
220-55-070	AMD-P	00-06-084	220-57-51500S	REP-E	00-08-022	222-22-076	NEW-C	00-08-103
220-55-105	AMD-P	00-06-084	220-69-236	AMD-P	00-06-084	222-22-080	AMD-E	00-06-026
220-55-110	AMD-P	00-06-084	222-08-035	AMD-E	00-06-026	222-22-090	AMD-E	00-06-026
220-55-115	AMD-P	00-06-084	222-08-035	AMD-C	00-08-103	222-22-090	AMD-C	00-08-103
220-55-132	NEW-P	00-06-084	222-10-010	AMD-E	00-06-026	222-24-010	AMD-E	00-06-026
220-55-170	AMD-P	00-06-042	222-10-020	NEW-C	00-08-103	222-24-010	AMD-C	00-08-103
220-55-180	AMD-P	00-06-043	222-10-030	NEW-E	00-06-026	222-24-015	NEW-E	00-06-026

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222- 24-020	AMD-E	00-06-026	230- 04-450	AMD-P	00-05-101	230- 40-825	NEW-P	00-05-101
222- 24-020	AMD-C	00-08-103	230- 08-027	NEW-P	00-05-101	230- 40-830	NEW-P	00-05-101
222- 24-025	REP-E	00-06-026	230- 08-040	AMD-P	00-05-101	230- 40-833	NEW-P	00-05-101
222- 24-026	NEW-E	00-06-026	230- 08-080	AMD-P	00-04-099	230- 40-835	NEW-P	00-05-101
222- 24-030	AMD-E	00-06-026	230- 08-080	AMD	00-07-140	230- 40-840	NEW-P	00-05-101
222- 24-030	AMD-C	00-08-103	230- 08-090	AMD-P	00-05-101	230- 40-845	NEW-P	00-05-101
222- 24-035	AMD-E	00-06-026	230- 08-100	REP-P	00-04-099	230- 40-850	NEW-P	00-05-101
222- 24-035	AMD-C	00-08-103	230- 08-100	REP	00-07-140	230- 40-855	NEW-P	00-05-101
222- 24-040	AMD-E	00-06-026	230- 08-105	AMD-P	00-04-099	230- 40-860	NEW-P	00-05-101
222- 24-040	AMD-C	00-08-103	230- 08-105	AMD	00-07-140	230- 40-865	NEW-P	00-05-101
222- 24-050	AMD-E	00-06-026	230- 08-160	AMD-P	00-05-101	230- 40-870	NEW-P	00-05-101
222- 24-050	AMD-C	00-08-103	230- 12-050	AMD-P	00-04-099	230- 40-875	NEW-P	00-05-101
222- 24-051	NEW-E	00-06-026	230- 12-050	AMD-P	00-05-101	230- 40-880	NEW-P	00-05-101
222- 24-052	NEW-E	00-06-026	230- 12-050	AMD	00-07-140	230- 40-885	NEW-P	00-05-101
222- 24-060	AMD-E	00-06-026	230- 12-072	NEW-P	00-05-101	230- 40-890	NEW-P	00-05-101
222- 24-060	AMD-C	00-08-103	230- 12-073	NEW-P	00-05-101	230- 40-895	NEW-P	00-05-101
222- 30-010	AMD-E	00-06-026	230- 12-078	AMD-P	00-04-099	230- 40-897	NEW-P	00-05-101
222- 30-010	AMD-C	00-08-103	230- 12-078	AMD	00-07-140	230- 40-900	REP-P	00-05-101
222- 30-020	AMD-E	00-06-026	230- 12-310	AMD-P	00-05-103	230- 46-020	AMD-W	00-07-070
222- 30-020	AMD-C	00-08-103	230- 20-110	REP-P	00-04-099	230- 46-035	NEW-W	00-07-070
222- 30-021	NEW-E	00-06-026	230- 20-110	REP	00-07-140	230- 50-010	AMD-P	00-05-101
222- 30-022	NEW-E	00-06-026	230- 20-120	REP-P	00-04-099	232- 12-011	AMD	00-04-017
222- 30-023	NEW-E	00-06-026	230- 20-120	REP	00-07-140	232- 12-011	AMD-P	00-06-083
222- 30-040	AMD-E	00-06-026	230- 20-220	AMD-P	00-04-099	232- 12-011	AMD-P	00-06-100
222- 30-045	NEW-E	00-06-026	230- 20-220	AMD	00-07-140	232- 12-011	AMD-W	00-07-019
222- 30-060	AMD-E	00-06-026	230- 20-243	AMD-P	00-04-099	232- 12-014	AMD	00-04-017
222- 30-070	AMD-E	00-06-026	230- 20-243	AMD	00-07-140	232- 12-018	REP	00-08-038
222- 30-070	AMD-C	00-08-103	230- 20-244	AMD-P	00-04-099	232- 12-047	AMD-P	00-06-088
222- 38-010	AMD-E	00-06-026	230- 20-244	AMD	00-07-140	232- 12-051	AMD-P	00-06-089
222- 38-020	AMD-E	00-06-026	230- 40-010	AMD-P	00-05-101	232- 12-054	AMD-P	00-06-090
222- 38-020	AMD-C	00-08-103	230- 40-015	REP-P	00-05-101	232- 12-068	AMD-P	00-06-091
222- 38-030	AMD-E	00-06-026	230- 40-030	AMD-P	00-05-101	232- 12-161	REP-XR	00-08-027
222- 38-030	AMD-C	00-08-103	230- 40-040	NEW-P	00-05-101	232- 12-168	AMD	00-08-038
222- 38-040	AMD-E	00-06-026	230- 40-050	AMD-P	00-05-101	232- 12-257	AMD-W	00-02-066
222- 46-012	NEW-E	00-06-026	230- 40-055	AMD-P	00-07-139	232- 12-257	AMD-P	00-06-094
222- 46-055	NEW-C	00-08-103	230- 40-060	REP-P	00-05-101	232- 12-31500G	NEW-E	00-04-014
222- 46-060	AMD-E	00-06-026	230- 40-070	AMD-P	00-05-101	232- 12-619	AMD	00-08-038
222- 46-060	AMD-C	00-08-103	230- 40-120	AMD-P	00-05-101	232- 16-700	AMD-P	00-06-093
222- 46-065	AMD-C	00-08-103	230- 40-125	REP-P	00-05-101	232- 28-02201	AMD	00-04-017
222- 46-070	AMD-E	00-06-026	230- 40-130	AMD-P	00-05-101	232- 28-02202	AMD	00-04-017
230- 02-108	AMD-P	00-04-099	230- 40-150	REP-P	00-05-101	232- 28-02202	AMD-P	00-06-097
230- 02-108	AMD	00-07-140	230- 40-160	REP-P	00-05-101	232- 28-02203	AMD	00-04-017
230- 02-109	NEW-P	00-05-101	230- 40-200	AMD-P	00-05-101	232- 28-02204	AMD	00-04-017
230- 02-110	AMD-P	00-05-101	230- 40-225	AMD-P	00-05-101	232- 28-02205	AMD	00-04-017
230- 02-123	AMD-P	00-04-099	230- 40-400	AMD-P	00-05-101	232- 28-02206	AMD	00-04-017
230- 02-123	AMD	00-07-140	230- 40-550	NEW-P	00-05-101	232- 28-02220	AMD	00-04-017
230- 02-183	AMD-P	00-04-099	230- 40-552	NEW-P	00-05-101	232- 28-02240	AMD	00-04-017
230- 02-183	AMD	00-07-140	230- 40-554	NEW-P	00-05-101	232- 28-24102	REP	00-04-017
230- 02-205	AMD	00-05-102	230- 40-556	NEW-P	00-05-101	232- 28-248	AMD-P	00-06-095
230- 02-206	AMD	00-05-102	230- 40-558	NEW-P	00-05-101	232- 28-255	REP	00-04-017
230- 02-380	AMD-W	00-02-067	230- 40-560	NEW-P	00-05-101	232- 28-26000A	NEW-E	00-03-025
230- 02-400	REP-P	00-05-101	230- 40-562	NEW-P	00-05-101	232- 28-261	REP	00-04-017
230- 02-415	AMD-P	00-05-101	230- 40-600	NEW-P	00-05-101	232- 28-262	REP	00-04-017
230- 02-425	REP-P	00-05-101	230- 40-610	NEW-P	00-05-101	232- 28-263	REP	00-04-017
230- 04-022	AMD-P	00-05-101	230- 40-615	NEW-P	00-05-101	232- 28-266	AMD-P	00-06-096
230- 04-119	AMD	00-05-102	230- 40-800	NEW-P	00-05-101	232- 28-269	REP	00-04-017
230- 04-140	AMD-P	00-05-101	230- 40-803	NEW-P	00-05-101	232- 28-270	REP	00-04-017
230- 04-142	REP-P	00-05-101	230- 40-805	NEW-P	00-05-101	232- 28-271	AMD	00-04-017
230- 04-203	AMD-P	00-05-101	230- 40-810	NEW-P	00-05-101	232- 28-272	AMD-P	00-06-099
230- 04-204	AMD-P	00-05-101	230- 40-815	NEW-P	00-05-101	232- 28-273	AMD-P	00-06-092
230- 04-207	NEW-P	00-05-101	230- 40-820	NEW-P	00-05-101	232- 28-275	AMD	00-04-017
230- 04-255	AMD-P	00-05-101	230- 40-823	NEW-P	00-05-101	232- 28-276	NEW-P	00-06-086

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-277	NEW	00-04-017	246-243-044	NEW-P	00-04-088	246-325	PREP	00-05-097
232- 28-278	NEW-P	00-06-087	246-243-044	NEW	00-08-013	246-326	PREP	00-05-097
232- 28-279	NEW-P	00-06-085	246-243-047	NEW-P	00-04-088	246-338-001	AMD-P	00-03-073
232- 28-619	AMD	00-08-038	246-243-047	NEW	00-08-013	246-338-001	AMD	00-06-079
232- 28-61900D	NEW-E	00-03-041	246-243-050	AMD-P	00-04-088	246-338-010	AMD-P	00-03-073
232- 28-61900D	REP-E	00-03-041	246-243-050	AMD	00-08-013	246-338-010	AMD	00-06-079
232- 28-61900D	REP-E	00-03-055	246-243-060	AMD-P	00-04-088	246-338-020	AMD-P	00-03-073
232- 28-61900E	NEW-E	00-03-055	246-243-060	AMD	00-08-013	246-338-020	AMD	00-06-079
232- 28-61900E	REP-E	00-03-055	246-243-080	AMD-P	00-04-088	246-338-022	NEW-P	00-03-073
232- 28-61900E	REP-E	00-05-085	246-243-080	AMD	00-08-013	246-338-022	NEW	00-06-079
232- 28-61900F	NEW-E	00-05-085	246-243-090	AMD-P	00-04-088	246-338-024	NEW-P	00-03-073
232- 28-61900F	REP-E	00-05-085	246-243-090	AMD	00-08-013	246-338-024	NEW	00-06-079
232- 28-61900G	NEW-E	00-06-008	246-243-100	AMD-P	00-04-088	246-338-026	NEW-P	00-03-073
232- 28-61900H	NEW-E	00-07-001	246-243-100	AMD	00-08-013	246-338-026	NEW	00-06-079
232- 28-61900I	NEW-E	00-07-073	246-243-110	AMD-P	00-04-088	246-338-028	NEW-P	00-03-073
232- 28-61900I	REP-E	00-07-073	246-243-110	AMD	00-08-013	246-338-028	NEW	00-06-079
232- 28-61900J	NEW-E	00-08-006	246-243-120	AMD-P	00-04-088	246-338-030	REP-P	00-03-073
232- 28-61900K	NEW-E	00-08-001	246-243-120	AMD	00-08-013	246-338-030	REP	00-06-079
232- 28-61900K	REP-E	00-08-001	246-243-130	AMD-P	00-04-088	246-338-040	AMD-P	00-03-073
236- 18-040	AMD	00-06-052	246-243-130	AMD	00-08-013	246-338-040	AMD	00-06-079
236- 18-070	AMD	00-06-052	246-243-140	AMD-P	00-04-088	246-338-050	AMD-P	00-03-073
236- 18-080	AMD	00-06-052	246-243-140	AMD	00-08-013	246-338-050	AMD	00-06-079
236- 70-040	AMD	00-08-040	246-243-141	NEW-P	00-04-088	246-338-060	AMD-P	00-03-073
236- 70-050	AMD	00-08-040	246-243-141	NEW	00-08-013	246-338-060	AMD	00-06-079
236- 70-060	AMD	00-08-040	246-243-150	AMD-P	00-04-088	246-338-070	AMD-P	00-03-073
236- 70-080	AMD	00-08-040	246-243-150	AMD	00-08-013	246-338-070	AMD	00-06-079
236-200-010	RECOD	00-08-039	246-243-160	AMD-P	00-04-088	246-338-080	AMD-P	00-03-073
236-200-020	RECOD	00-08-039	246-243-160	AMD	00-08-013	246-338-080	AMD	00-06-079
236-200-030	RECOD	00-08-039	246-243-170	AMD-P	00-04-088	246-338-090	AMD-P	00-03-073
236-200-040	RECOD	00-08-039	246-243-170	AMD	00-08-013	246-338-090	AMD	00-06-079
236-200-050	RECOD	00-08-039	246-243-180	AMD-P	00-04-088	246-338-100	AMD-P	00-03-073
236-200-060	RECOD	00-08-039	246-243-180	AMD	00-08-013	246-338-100	AMD	00-06-079
242- 02-052	AMD-P	00-05-021	246-243-190	AMD-P	00-04-088	246-338-110	AMD-P	00-03-073
242- 02-255	NEW-P	00-05-021	246-243-190	AMD	00-08-013	246-338-110	AMD	00-06-079
242- 02-522	AMD-P	00-05-021	246-243-195	AMD-P	00-04-088	246-358-001	AMD	00-06-082
242- 02-832	AMD-P	00-05-021	246-243-195	AMD	00-08-013	246-358-010	AMD	00-06-082
242- 02-834	AMD-P	00-05-021	246-243-200	AMD-P	00-04-088	246-358-020	REP	00-06-082
242- 04-030	AMD-P	00-05-021	246-243-200	AMD	00-08-013	246-358-025	AMD	00-06-082
242- 04-050	AMD-P	00-05-021	246-243-203	NEW-P	00-04-088	246-358-027	NEW	00-06-082
246-220-007	AMD-P	00-04-088	246-243-203	NEW	00-08-013	246-358-029	NEW	00-06-082
246-220-007	AMD	00-08-013	246-243-210	REP-P	00-04-088	246-358-030	REP	00-06-082
246-220-010	AMD-P	00-04-088	246-243-210	REP	00-08-013	246-358-040	NEW	00-06-082
246-220-010	AMD	00-08-013	246-243-220	AMD-P	00-04-088	246-358-045	AMD	00-06-082
246-221-020	AMD-P	00-04-088	246-243-220	AMD	00-08-013	246-358-055	AMD	00-06-082
246-221-020	AMD	00-08-013	246-243-230	AMD-P	00-04-088	246-358-065	AMD	00-06-082
246-221-270	AMD	00-07-085	246-243-230	AMD	00-08-013	246-358-070	NEW	00-06-082
246-232-060	AMD	00-07-085	246-243-250	NEW-P	00-04-088	246-358-075	AMD	00-06-082
246-235-075	AMD	00-07-085	246-243-250	NEW	00-08-013	246-358-090	AMD	00-06-082
246-235-080	AMD-P	00-04-088	246-246-001	NEW	00-07-085	246-358-095	AMD	00-06-082
246-235-080	AMD	00-08-013	246-246-010	NEW	00-07-085	246-358-100	AMD	00-06-082
246-235-084	NEW-P	00-04-088	246-246-020	NEW	00-07-085	246-358-125	AMD	00-06-082
246-235-084	NEW	00-08-013	246-246-030	NEW	00-07-085	246-358-135	AMD	00-06-082
246-235-086	NEW-P	00-04-088	246-246-040	NEW	00-07-085	246-358-140	REP	00-06-082
246-235-086	NEW	00-08-013	246-246-050	NEW	00-07-085	246-358-145	AMD	00-06-082
246-235-090	AMD-P	00-04-088	246-246-060	NEW	00-07-085	246-358-155	AMD	00-06-082
246-235-090	AMD	00-08-013	246-252-001	AMD-P	00-04-088	246-358-165	AMD	00-06-082
246-243-020	AMD-P	00-04-088	246-252-001	AMD	00-08-013	246-358-175	AMD	00-06-082
246-243-020	AMD	00-08-013	246-252-030	AMD-P	00-04-088	246-358-600	REP	00-06-082
246-243-030	AMD-P	00-04-088	246-252-030	AMD	00-08-013	246-358-610	REP	00-06-082
246-243-030	AMD	00-08-013	246-254-150	AMD-P	00-04-088	246-358-620	REP	00-06-082
246-243-042	NEW-P	00-04-088	246-254-150	AMD	00-08-013	246-358-630	REP	00-06-082
246-243-042	NEW	00-08-013	246-323	PREP	00-05-097	246-358-640	REP	00-06-082

TABLE

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-358-650	REP	00-06-082	246-790-090	AMD-P	00-07-084	246-976-025	REP	00-08-102
246-358-660	REP	00-06-082	246-790-100	AMD-P	00-07-084	246-976-030	REP-P	00-03-075
246-358-670	REP	00-06-082	246-790-120	AMD-P	00-07-084	246-976-030	REP	00-08-102
246-358-680	REP	00-06-082	246-790-130	AMD-P	00-07-084	246-976-031	NEW-P	00-03-075
246-361-001	NEW	00-06-082	246-808-700	REP-XR	00-04-087	246-976-031	NEW	00-08-102
246-361-010	NEW	00-06-082	246-810-600	NEW	00-03-075A	246-976-035	REP-P	00-03-075
246-361-020	NEW	00-06-082	246-810-610	NEW	00-03-075A	246-976-035	REP	00-08-102
246-361-025	NEW	00-06-082	246-810-620	NEW	00-03-075A	246-976-040	REP-P	00-03-075
246-361-030	NEW	00-06-082	246-810-630	NEW	00-03-075A	246-976-040	REP	00-08-102
246-361-035	NEW	00-06-082	246-810-640	NEW	00-03-075A	246-976-041	NEW-P	00-03-075
246-361-045	NEW	00-06-082	246-810-650	NEW	00-03-075A	246-976-041	NEW	00-08-102
246-361-055	NEW	00-06-082	246-810-660	NEW	00-03-075A	246-976-045	REP-P	00-03-075
246-361-065	NEW	00-06-082	246-811-090	NEW-P	00-08-100	246-976-045	REP	00-08-102
246-361-070	NEW	00-06-082	246-811-100	NEW-P	00-08-100	246-976-050	REP-P	00-03-075
246-361-075	NEW	00-06-082	246-811-110	NEW-P	00-08-100	246-976-050	REP	00-08-102
246-361-080	NEW	00-06-082	246-812-990	AMD	00-07-050	246-976-055	REP-P	00-03-075
246-361-090	NEW	00-06-082	246-830-485	NEW	00-07-086	246-976-055	REP	00-08-102
246-361-095	NEW	00-06-082	246-841-400	PREP	00-03-072	246-976-060	REP-P	00-03-075
246-361-100	NEW	00-06-082	246-841-410	PREP	00-03-072	246-976-060	REP	00-08-102
246-361-125	NEW	00-06-082	246-841-420	PREP	00-03-072	246-976-065	REP-P	00-03-075
246-361-135	NEW	00-06-082	246-841-430	PREP	00-03-072	246-976-065	REP	00-08-102
246-361-145	NEW	00-06-082	246-841-440	PREP	00-03-072	246-976-070	REP-P	00-03-075
246-361-155	NEW	00-06-082	246-841-450	PREP	00-03-072	246-976-070	REP	00-08-102
246-361-165	NEW	00-06-082	246-841-460	PREP	00-03-072	246-976-075	REP-P	00-03-075
246-361-175	NEW	00-06-082	246-841-470	PREP	00-03-072	246-976-075	REP	00-08-102
246-361-990	NEW	00-06-082	246-841-480	PREP	00-03-072	246-976-076	REP-P	00-03-075
246-490-010	NEW-P	00-05-098	246-841-490	PREP	00-03-072	246-976-076	REP	00-08-102
246-490-020	NEW-P	00-05-098	246-841-500	PREP	00-03-072	246-976-077	REP-P	00-03-075
246-490-030	NEW-P	00-05-098	246-841-510	PREP	00-03-072	246-976-077	REP	00-08-102
246-490-055	NEW-P	00-05-098	246-883-020	AMD	00-06-078	246-976-080	REP-P	00-03-075
246-490-065	NEW-P	00-05-098	246-887-160	AMD-P	00-06-080	246-976-080	REP	00-08-102
246-490-070	NEW-P	00-05-098	246-901	AMD-P	00-08-101	246-976-085	REP-P	00-03-075
246-780-001	AMD-P	00-03-074	246-901-010	AMD-P	00-08-101	246-976-085	REP	00-08-102
246-780-001	AMD	00-07-129	246-901-020	AMD-P	00-08-101	246-976-110	REP-P	00-03-075
246-780-010	AMD-P	00-03-074	246-901-030	AMD-P	00-08-101	246-976-110	REP	00-08-102
246-780-010	AMD	00-07-129	246-901-035	AMD-P	00-08-101	246-976-120	REP-P	00-03-075
246-780-020	AMD-P	00-03-074	246-901-040	AMD-P	00-08-101	246-976-120	REP	00-08-102
246-780-020	AMD	00-07-129	246-901-050	AMD-P	00-08-101	246-976-140	REP-P	00-03-075
246-780-022	NEW-P	00-03-074	246-901-060	AMD-P	00-08-101	246-976-140	REP	00-08-102
246-780-022	NEW	00-07-129	246-901-065	AMD-P	00-08-101	246-976-141	NEW-P	00-03-075
246-780-025	NEW-P	00-03-074	246-901-070	AMD-P	00-08-101	246-976-141	NEW	00-08-102
246-780-025	NEW	00-07-129	246-901-080	AMD-P	00-08-101	246-976-150	REP-P	00-03-075
246-780-028	NEW-P	00-03-074	246-901-090	AMD-P	00-08-101	246-976-150	REP	00-08-102
246-780-028	NEW	00-07-129	246-901-100	AMD-P	00-08-101	246-976-151	NEW-P	00-03-075
246-780-030	AMD-P	00-03-074	246-901-110	REP-P	00-08-101	246-976-151	NEW	00-08-102
246-780-030	AMD	00-07-129	246-901-120	AMD-P	00-08-101	246-976-160	REP-P	00-03-075
246-780-040	AMD-P	00-03-074	246-901-130	AMD-P	00-08-101	246-976-160	REP	00-08-102
246-780-040	AMD	00-07-129	246-901-140	NEW-P	00-08-101	246-976-161	NEW-P	00-03-075
246-780-050	REP-P	00-03-074	246-930-010	PREP	00-08-099	246-976-161	NEW	00-08-102
246-780-050	REP	00-07-129	246-930-030	PREP	00-08-099	246-976-165	REP-P	00-03-075
246-780-060	AMD-P	00-03-074	246-930-040	PREP	00-08-099	246-976-165	REP	00-08-102
246-780-060	AMD	00-07-129	246-930-200	PREP	00-08-099	246-976-170	REP-P	00-03-075
246-780-070	REP-P	00-03-074	246-930-410	PREP	00-08-099	246-976-170	REP	00-08-102
246-780-070	REP	00-07-129	246-976-001	AMD-P	00-03-075	246-976-171	NEW-P	00-03-075
246-790	AMD-P	00-07-084	246-976-001	AMD	00-08-102	246-976-171	NEW	00-08-102
246-790-010	AMD-P	00-07-084	246-976-010	AMD-P	00-03-075	246-976-180	REP-P	00-03-075
246-790-050	AMD-P	00-07-084	246-976-010	AMD	00-08-102	246-976-180	REP	00-08-102
246-790-060	AMD-P	00-07-084	246-976-020	REP-P	00-03-075	246-976-181	REP-P	00-03-075
246-790-065	NEW-P	00-07-084	246-976-020	REP	00-08-102	246-976-181	REP	00-08-102
246-790-070	AMD-P	00-07-084	246-976-021	NEW-P	00-03-075	246-976-182	NEW-P	00-03-075
246-790-080	AMD-P	00-07-084	246-976-021	NEW	00-08-102	246-976-182	NEW	00-08-102
246-790-085	AMD-P	00-07-084	246-976-025	REP-P	00-03-075	246-976-190	REP-P	00-03-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-976-190	REP	00-08-102	246-976-970	AMD	00-08-102	260- 34-090	AMD	00-07-038
246-976-191	NEW-P	00-03-075	246-976-990	AMD-P	00-03-075	260- 34-100	AMD-P	00-03-088
246-976-191	NEW	00-08-102	246-976-990	AMD	00-08-102	260- 34-100	AMD	00-07-038
246-976-200	REP-P	00-03-075	250- 66-020	AMD	00-08-081	260- 34-140	AMD-P	00-03-088
246-976-200	REP	00-08-102	250- 66-030	AMD	00-08-081	260- 34-140	AMD-W	00-07-037
246-976-210	REP-P	00-03-075	250- 66-040	AMD	00-08-081	260- 34-150	AMD-P	00-03-088
246-976-210	REP	00-08-102	250- 66-045	NEW	00-08-081	260- 34-150	AMD-W	00-07-037
246-976-220	REP-P	00-03-075	250- 66-050	AMD	00-08-081	260- 40-100	AMD-P	00-03-089
246-976-220	REP	00-08-102	250- 80-010	NEW	00-08-082	260- 40-100	AMD	00-07-039
246-976-230	REP-P	00-03-075	250- 80-010	NEW-E	00-08-083	260- 44-070	AMD	00-06-071
246-976-230	REP	00-08-102	250- 80-020	NEW	00-08-082	260- 48-600	AMD	00-06-070
246-976-240	REP-P	00-03-075	250- 80-020	NEW-E	00-08-083	260- 48-620	AMD	00-06-070
246-976-240	REP	00-08-102	250- 80-030	NEW	00-08-082	260- 52-010	AMD	00-06-069
246-976-260	AMD-P	00-03-075	250- 80-030	NEW-E	00-08-083	260- 52-030	AMD	00-06-069
246-976-260	AMD	00-08-102	250- 80-040	NEW	00-08-082	260- 52-040	AMD	00-06-069
246-976-270	AMD-P	00-03-075	250- 80-040	NEW-E	00-08-083	260- 52-060	AMD-P	00-03-091
246-976-270	AMD	00-08-102	250- 80-050	NEW	00-08-082	260- 52-060	AMD	00-07-041
246-976-280	REP-P	00-03-075	250- 80-050	NEW-E	00-08-083	260- 70-700	AMD-P	00-03-092
246-976-280	REP	00-08-102	250- 80-060	NEW	00-08-082	260- 70-700	AMD	00-07-042
246-976-290	AMD-P	00-03-075	250- 80-060	NEW-E	00-08-083	260- 75-020	NEW-P	00-03-090
246-976-290	AMD	00-08-102	250- 80-070	NEW	00-08-082	260- 75-020	NEW	00-07-040
246-976-300	AMD-P	00-03-075	250- 80-070	NEW-E	00-08-083	260- 75-030	NEW-P	00-03-090
246-976-300	AMD	00-08-102	250- 80-080	NEW	00-08-082	260- 75-030	NEW	00-07-040
246-976-310	AMD-P	00-03-075	250- 80-080	NEW-E	00-08-083	260- 88-010	AMD-P	00-03-093
246-976-310	AMD	00-08-102	250- 80-090	NEW	00-08-082	260- 88-010	AMD	00-07-043
246-976-320	AMD-P	00-03-075	250- 80-090	NEW-E	00-08-083	262- 01-140	NEW	00-06-030
246-976-320	AMD	00-08-102	250- 80-100	NEW	00-08-082	275- 35	PREP	00-03-028
246-976-330	AMD-P	00-03-075	250- 80-100	NEW-E	00-08-083	275- 54	PREP	00-08-048
246-976-330	AMD	00-08-102	250- 81-010	NEW-P	00-05-084	275- 55	PREP	00-08-048
246-976-340	AMD-P	00-03-075	250- 81-010	NEW	00-08-080	275- 57	PREP	00-08-048
246-976-340	AMD	00-08-102	250- 81-020	NEW-P	00-05-084	284- 02-070	AMD-E	00-08-011
246-976-350	REP-P	00-03-075	250- 81-020	NEW	00-08-080	284- 43-120	AMD	00-04-034
246-976-350	REP	00-08-102	250- 81-030	NEW-P	00-05-084	284- 43-125	NEW	00-04-034
246-976-370	REP-P	00-03-075	250- 81-030	NEW	00-08-080	284- 43-200	AMD	00-04-034
246-976-370	REP	00-08-102	250- 81-040	NEW-P	00-05-084	284- 43-210	AMD	00-04-034
246-976-390	AMD-P	00-03-075	250- 81-040	NEW	00-08-080	284- 43-220	AMD	00-04-034
246-976-390	AMD	00-08-102	250- 81-050	NEW-P	00-05-084	284- 43-250	AMD	00-04-034
246-976-400	AMD-P	00-03-075	250- 81-050	NEW	00-08-080	284- 43-710	AMD	00-04-034
246-976-400	AMD	00-08-102	250- 81-060	NEW-P	00-05-084	284- 43-710	AMD-E	00-08-011
246-976-420	AMD-P	00-03-075	250- 81-060	NEW	00-08-080	284- 43-720	AMD	00-04-034
246-976-420	AMD	00-08-102	251- 01-345	AMD-P	00-04-053	284- 43-720	AMD-E	00-08-011
246-976-430	AMD-P	00-03-075	251- 01-345	AMD-W	00-05-060	284- 43-730	AMD-E	00-08-011
246-976-430	AMD	00-08-102	251- 01-345	AMD-C	00-06-051	284- 43-915	AMD-E	00-08-011
246-976-440	REP-P	00-03-075	251- 08-115	AMD-P	00-04-052	284- 43-930	AMD-E	00-08-011
246-976-440	REP	00-08-102	251- 08-115	AMD-C	00-06-050	284- 43-945	AMD-E	00-08-011
246-976-450	REP-P	00-03-075	251- 09-080	AMD-P	00-04-052	284- 74-300	NEW-P	00-04-090
246-976-450	REP	00-08-102	251- 09-080	AMD-C	00-06-050	284- 74-300	NEW	00-07-069
246-976-890	AMD-P	00-03-075	251- 19-085	NEW-P	00-06-048	284- 74-310	NEW-P	00-04-090
246-976-890	AMD	00-08-102	251- 20-020	AMD-P	00-04-053	284- 74-310	NEW	00-07-069
246-976-910	AMD-P	00-03-075	251- 20-020	AMD-W	00-05-060	284- 74-320	NEW-P	00-04-090
246-976-910	AMD	00-08-102	251- 20-020	AMD-C	00-06-051	284- 74-320	NEW	00-07-069
246-976-920	AMD-P	00-03-075	251- 20-030	AMD-P	00-04-053	284- 74-330	NEW-P	00-04-090
246-976-920	AMD	00-08-102	251- 20-030	AMD-W	00-05-060	284- 74-330	NEW	00-07-069
246-976-930	AMD-P	00-03-075	251- 20-030	AMD-C	00-06-051	284- 74-340	NEW-P	00-04-090
246-976-930	AMD	00-08-102	251- 23-040	AMD-P	00-04-052	284- 74-340	NEW	00-07-069
246-976-940	AMD-P	00-03-075	251- 23-040	AMD-C	00-06-050	284- 74-350	NEW-P	00-04-090
246-976-940	AMD	00-08-102	260- 28-230	AMD	00-06-072	284- 74-350	NEW	00-07-069
246-976-950	AMD-P	00-03-075	260- 34-030	AMD-P	00-03-088	284- 74-360	NEW-P	00-04-090
246-976-950	AMD	00-08-102	260- 34-030	AMD	00-07-038	284- 74-360	NEW	00-07-069
246-976-960	AMD-P	00-03-075	260- 34-080	AMD-P	00-03-088	284- 74-370	NEW-P	00-04-090
246-976-960	AMD	00-08-102	260- 34-080	AMD	00-07-038	284- 74-370	NEW	00-07-069
246-976-970	AMD-P	00-03-075	260- 34-090	AMD-P	00-03-088	284- 74-380	NEW-P	00-04-090

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
284- 74-380	NEW	00-07-069	296- 23A-0240	AMD	00-06-027	296- 24-87505	NEW	00-08-078
286- 40-020	AMD	00-05-008	296- 24	PREP	00-05-057	296- 24-87510	NEW	00-08-078
296- 17	PREP	00-02-090	296- 24-14519	AMD	00-08-078	296- 24-87515	NEW	00-08-078
296- 17-31011	AMD-P	00-07-138	296- 24-23027	AMD	00-08-078	296- 24-880	NEW	00-08-078
296- 17-31012	AMD-P	00-07-138	296- 24-23533	AMD	00-08-078	296- 24-88005	NEW	00-08-078
296- 17-31021	AMD-P	00-07-138	296- 24-825	REP	00-08-078	296- 24-88010	NEW	00-08-078
296- 17-501	AMD-P	00-07-138	296- 24-82501	REP	00-08-078	296- 24-88015	NEW	00-08-078
296- 17-50601	AMD-P	00-07-138	296- 24-82503	REP	00-08-078	296- 24-88020	NEW	00-08-078
296- 17-510	AMD-P	00-07-138	296- 24-82505	REP	00-08-078	296- 24-88025	NEW	00-08-078
296- 17-521	AMD-P	00-07-138	296- 24-82507	REP	00-08-078	296- 24-88030	NEW	00-08-078
296- 17-52102	AMD-P	00-07-138	296- 24-82509	REP	00-08-078	296- 24-88035	NEW	00-08-078
296- 17-52106	AMD-P	00-07-138	296- 24-82511	REP	00-08-078	296- 24-88040	NEW	00-08-078
296- 17-527	AMD-P	00-07-138	296- 24-82513	REP	00-08-078	296- 24-88045	NEW	00-08-078
296- 17-529	AMD-P	00-07-138	296- 24-82515	REP	00-08-078	296- 24-88050	NEW	00-08-078
296- 17-537	AMD-P	00-07-138	296- 24-82517	REP	00-08-078	296- 24-88055	NEW	00-08-078
296- 17-53803	AMD-P	00-07-138	296- 24-82519	REP	00-08-078	296- 24-885	REP	00-08-078
296- 17-542	AMD-P	00-07-138	296- 24-82521	REP	00-08-078	296- 24-88501	REP	00-08-078
296- 17-544	AMD-P	00-07-138	296- 24-82523	REP	00-08-078	296- 24-88503	REP	00-08-078
296- 17-54401	AMD-P	00-07-138	296- 24-82525	REP	00-08-078	296- 24-88505	REP	00-08-078
296- 17-54403	NEW-P	00-07-138	296- 24-82527	REP	00-08-078	296- 24-90001	AMD	00-08-078
296- 17-545	AMD-P	00-07-138	296- 24-82529	REP	00-08-078	296- 24-90003	AMD	00-08-078
296- 17-546	AMD-P	00-07-138	296- 24-82531	REP	00-08-078	296- 24-90005	AMD	00-08-078
296- 17-562	AMD-P	00-07-138	296- 24-82533	REP	00-08-078	296- 24-90007	AMD	00-08-078
296- 17-57001	AMD-P	00-07-138	296- 24-82535	REP	00-08-078	296- 24-90009	AMD	00-08-078
296- 17-583	AMD-P	00-07-138	296- 24-82537	REP	00-08-078	296- 27-150	REP-P	00-05-058
296- 17-58503	AMD-P	00-07-138	296- 24-82539	REP	00-08-078	296- 27-160	REP-P	00-05-058
296- 17-597	AMD-P	00-07-138	296- 24-82541	REP	00-08-078	296- 27-16001	REP-P	00-05-058
296- 17-615	AMD-P	00-07-138	296- 24-82543	REP	00-08-078	296- 27-16002	REP-P	00-05-058
296- 17-618	AMD-P	00-07-138	296- 24-82545	REP	00-08-078	296- 27-16003	REP-P	00-05-058
296- 17-643	AMD-P	00-07-138	296- 24-84001	REP	00-08-078	296- 27-16004	REP-P	00-05-058
296- 17-649	AMD-P	00-07-138	296- 24-84003	REP	00-08-078	296- 27-16007	REP-P	00-05-058
296- 17-66003	AMD-P	00-07-138	296- 24-84005	REP	00-08-078	296- 27-16011	REP-P	00-05-058
296- 17-675	AMD-P	00-07-138	296- 24-84007	REP	00-08-078	296- 27-16018	REP-P	00-05-058
296- 17-678	AMD-P	00-07-138	296- 24-84009	REP	00-08-078	296- 27-16020	REP-P	00-05-058
296- 17-679	AMD-P	00-07-138	296- 24-84011	REP	00-08-078	296- 27-16022	REP-P	00-05-058
296- 17-686	AMD-P	00-07-138	296- 24-84013	REP	00-08-078	296- 27-16026	REP-P	00-05-058
296- 17-689	AMD-P	00-07-138	296- 24-860	NEW	00-08-078	296- 30-010	AMD-P	00-02-091
296- 17-690	AMD-P	00-07-138	296- 24-86005	NEW	00-08-078	296- 30-080	AMD	00-03-056
296- 17-694	AMD-P	00-07-138	296- 24-86010	NEW	00-08-078	296- 30-081	AMD	00-03-056
296- 17-695	AMD-P	00-07-138	296- 24-86015	NEW	00-08-078	296- 30-085	NEW	00-03-056
296- 17-712	AMD-P	00-07-138	296- 24-86020	NEW	00-08-078	296- 30-090	NEW	00-03-056
296- 17-713	AMD-P	00-07-138	296- 24-861	NEW	00-08-078	296- 30-095	NEW	00-03-056
296- 17-729	AMD-P	00-07-138	296- 24-86105	NEW	00-08-078	296- 30-100	NEW	00-03-056
296- 17-740	AMD-P	00-07-138	296- 24-86110	NEW	00-08-078	296- 30-105	NEW	00-03-056
296- 17-748	AMD-P	00-07-138	296- 24-86115	NEW	00-08-078	296- 30-120	AMD	00-03-056
296- 17-749	AMD-P	00-07-138	296- 24-86120	NEW	00-08-078	296- 30-130	AMD-P	00-02-091
296- 17-751	AMD-P	00-07-138	296- 24-86125	NEW	00-08-078	296- 30-170	AMD	00-03-056
296- 17-779	AMD-P	00-07-138	296- 24-86130	NEW	00-08-078	296- 30-180	AMD	00-03-056
296- 17-855	AMD-P	00-07-138	296- 24-862	NEW	00-08-078	296- 31-012	AMD-P	00-02-091
296- 17-885	AMD-P	00-07-138	296- 24-870	REP	00-08-078	296- 31-020	REP-P	00-02-091
296- 17-895	AMD-P	00-07-138	296- 24-87001	REP	00-08-078	296- 31-030	AMD	00-03-056
296- 18A	PREP	00-05-002	296- 24-87009	REP	00-08-078	296- 31-035	NEW	00-03-056
296- 20-022	AMD-P	00-05-111	296- 24-87011	REP	00-08-078	296- 31-045	NEW	00-03-056
296- 20-12401	NEW-P	00-05-111	296- 24-87013	REP	00-08-078	296- 31-050	REP	00-03-056
296- 20-135	AMD-P	00-05-112	296- 24-87015	REP	00-08-078	296- 31-055	NEW	00-03-056
296- 21-290	AMD-P	00-05-111	296- 24-87017	REP	00-08-078	296- 31-056	NEW	00-03-056
296- 23-220	AMD-P	00-05-112	296- 24-87019	REP	00-08-078	296- 31-057	NEW	00-03-056
296- 23-230	AMD-P	00-05-112	296- 24-87031	REP	00-08-078	296- 31-058	NEW	00-03-056
296- 23A-0200	AMD	00-06-027	296- 24-87033	REP	00-08-078	296- 31-070	AMD	00-03-056
296- 23A-0210	AMD	00-06-027	296- 24-87035	REP	00-08-078	296- 31-074	NEW	00-03-056
296- 23A-0220	AMD	00-06-027	296- 24-87037	REP	00-08-078	296- 31-090	REP	00-03-056
296- 23A-0230	AMD-P	00-05-111	296- 24-875	NEW	00-08-078	296- 46-930	AMD-E	00-06-076

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-051	NEW-C	00-04-075	296-127-01367	NEW-E	00-07-123	296-307-16145	NEW	00-06-081
296-62-05101	NEW-C	00-04-075	296-127-01369	NEW-E	00-07-123	296-307-16150	NEW	00-06-081
296-62-05103	NEW-C	00-04-075	296-127-01370	NEW-E	00-07-123	296-307-16155	NEW	00-06-081
296-62-05105	NEW-C	00-04-075	296-127-01372	NEW-E	00-07-123	296-307-16160	NEW	00-06-081
296-62-05110	NEW-C	00-04-075	296-127-01374	NEW-E	00-07-123	296-307-16165	NEW	00-06-081
296-62-05120	NEW-C	00-04-075	296-127-01375	NEW-E	00-07-123	296-307-16170	NEW	00-06-081
296-62-05122	NEW-C	00-04-075	296-127-01376	NEW-E	00-07-123	296-307-16175	NEW	00-06-081
296-62-05130	NEW-C	00-04-075	296-127-01377	NEW-E	00-07-123	296-307-16180	NEW	00-06-081
296-62-05140	NEW-C	00-04-075	296-127-01378	NEW-E	00-07-123	296-307-16185	NEW	00-06-081
296-62-05150	NEW-C	00-04-075	296-127-01379	NEW-E	00-07-123	296-307-16190	NEW	00-06-081
296-62-05160	NEW-C	00-04-075	296-127-01382	NEW-E	00-07-123	296-307-163	NEW	00-06-081
296-62-05170	NEW-C	00-04-075	296-127-01384	NEW-E	00-07-123	296-307-16301	NEW	00-06-081
296-62-05172	NEW-C	00-04-075	296-127-01386	NEW-E	00-07-123	296-307-16303	NEW	00-06-081
296-62-05174	NEW-C	00-04-075	296-127-01387	NEW-E	00-07-123	296-307-16305	NEW	00-06-081
296-62-05176	NEW-C	00-04-075	296-127-01389	NEW-E	00-07-123	296-307-16310	NEW	00-06-081
296-62-07515	AMD	00-06-075	296-127-01391	NEW-E	00-07-123	296-307-16315	NEW	00-06-081
296-62-07709	AMD	00-06-075	296-150C	PREP	00-06-077	296-307-16320	NEW	00-06-081
296-62-07713	AMD	00-06-075	296-150F	PREP	00-06-077	296-307-16325	NEW	00-06-081
296-62-07722	AMD	00-06-075	296-150M	PREP	00-06-077	296-307-16330	NEW	00-06-081
296-62-07727	AMD	00-06-075	296-150P	PREP	00-06-077	296-307-16335	NEW	00-06-081
296-62-07745	AMD	00-06-075	296-150R	PREP	00-06-077	296-307-16340	NEW	00-06-081
296-65-003	AMD	00-06-075	296-150V	PREP	00-06-077	296-307-16345	NEW	00-06-081
296-127	PREP	00-07-122	296-155	PREP	00-04-002	296-307-16350	NEW	00-06-081
296-127-013	AMD-E	00-07-123	296-155	PREP	00-05-057	296-307-16355	NEW	00-06-081
296-127-01301	NEW-E	00-07-123	296-155-110	AMD	00-08-078	296-307-16360	NEW	00-06-081
296-127-01303	NEW-E	00-07-123	296-155-24501	AMD-XA	00-08-079	296-307-16365	NEW	00-06-081
296-127-01305	NEW-E	00-07-123	296-155-24503	AMD-XA	00-08-079	296-307-16370	NEW	00-06-081
296-127-01306	NEW-E	00-07-123	296-155-24505	AMD-XA	00-08-079	296-307-16375	NEW	00-06-081
296-127-01308	NEW-E	00-07-123	296-155-24510	AMD-XA	00-08-079	296-307-16380	NEW	00-06-081
296-127-01309	NEW-E	00-07-123	296-155-24515	AMD-XA	00-08-079	296-307-16385	NEW	00-06-081
296-127-01310	NEW-E	00-07-123	296-155-24520	AMD-XA	00-08-079	296-307-16390	NEW	00-06-081
296-127-01312	NEW-E	00-07-123	296-155-24521	AMD-XA	00-08-079	296-307-16395	NEW	00-06-081
296-127-01315	NEW-E	00-07-123	296-155-24525	AMD-XA	00-08-079	296-350	AMD-P	00-05-058
296-127-01317	NEW-E	00-07-123	296-155-483	AMD-XA	00-08-079	296-350-010	AMD-P	00-05-058
296-127-01318	NEW-E	00-07-123	296-155-505	AMD-XA	00-08-079	296-350-020	REP-P	00-05-058
296-127-01320	NEW-E	00-07-123	296-155-526	NEW-P	00-06-056	296-350-030	REP-P	00-05-058
296-127-01322	NEW-E	00-07-123	296-155-680	AMD-XA	00-08-079	296-350-040	REP-P	00-05-058
296-127-01323	NEW-E	00-07-123	296-307-160	REP	00-06-081	296-350-050	REP-P	00-05-058
296-127-01325	NEW-E	00-07-123	296-307-16001	REP	00-06-081	296-350-060	REP-P	00-05-058
296-127-01327	NEW-E	00-07-123	296-307-16003	REP	00-06-081	296-350-070	REP-P	00-05-058
296-127-01328	NEW-E	00-07-123	296-307-16004	REP	00-06-081	296-350-080	REP-P	00-05-058
296-127-01329	NEW-E	00-07-123	296-307-16005	REP	00-06-081	296-350-090	REP-P	00-05-058
296-127-01331	NEW-E	00-07-123	296-307-16007	REP	00-06-081	296-350-095	REP-P	00-05-058
296-127-01332	NEW-E	00-07-123	296-307-16009	REP	00-06-081	296-350-100	NEW-P	00-05-058
296-127-01333	NEW-E	00-07-123	296-307-16011	REP	00-06-081	296-350-10010	NEW-P	00-05-058
296-127-01335	NEW-E	00-07-123	296-307-16013	REP	00-06-081	296-350-10020	NEW-P	00-05-058
296-127-01337	NEW-E	00-07-123	296-307-16015	REP	00-06-081	296-350-10030	NEW-P	00-05-058
296-127-01339	NEW-E	00-07-123	296-307-16017	REP	00-06-081	296-350-10040	NEW-P	00-05-058
296-127-01340	NEW-E	00-07-123	296-307-16019	REP	00-06-081	296-350-10050	NEW-P	00-05-058
296-127-01342	NEW-E	00-07-123	296-307-16021	REP	00-06-081	296-350-150	NEW-P	00-05-058
296-127-01344	NEW-E	00-07-123	296-307-16023	REP	00-06-081	296-350-15010	NEW-P	00-05-058
296-127-01346	NEW-E	00-07-123	296-307-161	NEW	00-06-081	296-350-15015	NEW-P	00-05-058
296-127-01347	NEW-E	00-07-123	296-307-16101	NEW	00-06-081	296-350-15020	NEW-P	00-05-058
296-127-01349	NEW-E	00-07-123	296-307-16103	NEW	00-06-081	296-350-15025	NEW-P	00-05-058
296-127-01351	NEW-E	00-07-123	296-307-16105	NEW	00-06-081	296-350-15030	NEW-P	00-05-058
296-127-01352	NEW-E	00-07-123	296-307-16110	NEW	00-06-081	296-350-15035	NEW-P	00-05-058
296-127-01354	NEW-E	00-07-123	296-307-16115	NEW	00-06-081	296-350-15040	NEW-P	00-05-058
296-127-01356	NEW-E	00-07-123	296-307-16120	NEW	00-06-081	296-350-15045	NEW-P	00-05-058
296-127-01358	NEW-E	00-07-123	296-307-16125	NEW	00-06-081	296-350-200	REP-P	00-05-058
296-127-01360	NEW-E	00-07-123	296-307-16130	NEW	00-06-081	296-350-210	REP-P	00-05-058
296-127-01362	NEW-E	00-07-123	296-307-16135	NEW	00-06-081	296-350-230	REP-P	00-05-058
296-127-01364	NEW-E	00-07-123	296-307-16140	NEW	00-06-081	296-350-240	REP-P	00-05-058

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**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-350-250	REP-P	00-05-058	296-402A-100	NEW-P	00-07-137	308- 56A-020	PREP	00-07-092
296-350-255	REP-P	00-05-058	296-402A-110	NEW-P	00-07-137	308- 56A-021	PREP	00-07-092
296-350-260	REP-P	00-05-058	296-402A-130	NEW-P	00-07-137	308- 56A-022	PREP	00-07-092
296-350-270	REP-P	00-05-058	296-402A-140	NEW-P	00-07-137	308- 56A-023	PREP	00-07-092
296-350-280	REP-P	00-05-058	296-402A-150	NEW-P	00-07-137	308- 56A-090	PREP	00-07-092
296-350-400	REP-P	00-05-058	296-402A-160	NEW-P	00-07-137	308- 56A-450	AMD	00-04-046
296-350-450	REP-P	00-05-058	296-402A-170	NEW-P	00-07-137	308- 56A-455	AMD	00-04-046
296-350-460	REP-P	00-05-058	296-402A-180	NEW-P	00-07-137	308- 56A-460	AMD	00-06-025
296-350-470	REP-P	00-05-058	296-402A-190	NEW-P	00-07-137	308- 56A-465	REP	00-04-046
296-350-600	NEW-P	00-05-058	296-402A-200	NEW-P	00-07-137	308- 56A-470	REP	00-04-046
296-350-60010	NEW-P	00-05-058	296-402A-210	NEW-P	00-07-137	308- 56A-500	AMD	00-06-004
296-350-60015	NEW-P	00-05-058	296-402A-220	NEW-P	00-07-137	308- 56A-505	AMD	00-06-004
296-350-60020	NEW-P	00-05-058	296-402A-230	NEW-P	00-07-137	308- 56A-510	REP	00-06-004
296-350-60025	NEW-P	00-05-058	296-402A-240	NEW-P	00-07-137	308- 56A-515	REP	00-06-004
296-350-60030	NEW-P	00-05-058	296-402A-250	NEW-P	00-07-137	308- 56A-520	REP	00-06-004
296-350-60035	NEW-P	00-05-058	296-402A-260	NEW-P	00-07-137	308- 56A-610	REP	00-06-020
296-350-60040	NEW-P	00-05-058	296-402A-270	NEW-P	00-07-137	308- 56A-620	AMD	00-06-020
296-350-60045	NEW-P	00-05-058	296-402A-290	NEW-P	00-07-137	308- 56A-640	AMD	00-06-020
296-350-700	NEW-P	00-05-058	296-402A-300	NEW-P	00-07-137	308- 56A-650	REP	00-06-020
296-350-70010	NEW-P	00-05-058	296-402A-310	NEW-P	00-07-137	308- 56A-660	REP	00-06-020
296-350-70015	NEW-P	00-05-058	296-402A-320	NEW-P	00-07-137	308- 56A-670	REP	00-06-020
296-350-70020	NEW-P	00-05-058	296-402A-330	NEW-P	00-07-137	308- 56A-680	REP	00-06-020
296-350-70025	NEW-P	00-05-058	296-402A-340	NEW-P	00-07-137	308- 56A-690	REP	00-06-020
296-350-70030	NEW-P	00-05-058	296-402A-350	NEW-P	00-07-137	308- 57-005	PREP	00-06-001
296-350-70035	NEW-P	00-05-058	296-402A-360	NEW-P	00-07-137	308- 57-010	PREP	00-06-001
296-350-70040	NEW-P	00-05-058	296-402A-370	NEW-P	00-07-137	308- 57-020	PREP	00-06-001
296-350-70045	NEW-P	00-05-058	296-402A-380	NEW-P	00-07-137	308- 57-030	PREP	00-06-001
296-350-70050	NEW-P	00-05-058	296-402A-390	NEW-P	00-07-137	308- 57-110	PREP	00-06-001
296-350-70055	NEW-P	00-05-058	296-402A-400	NEW-P	00-07-137	308- 57-120	PREP	00-06-001
296-350-70060	NEW-P	00-05-058	296-402A-410	NEW-P	00-07-137	308- 57-130	PREP	00-06-001
296-350-70065	NEW-P	00-05-058	296-402A-420	NEW-P	00-07-137	308- 57-135	PREP	00-06-001
296-350-70070	NEW-P	00-05-058	296-402A-425	NEW-P	00-07-137	308- 57-140	PREP	00-06-001
296-401A-140	AMD-E	00-06-076	296-402A-430	NEW-P	00-07-137	308- 57-210	PREP	00-06-001
296-402-010	REP-P	00-07-137	296-402A-440	NEW-P	00-07-137	308- 57-230	PREP	00-06-001
296-402-020	REP-P	00-07-137	296-402A-450	NEW-P	00-07-137	308- 57-240	PREP	00-06-001
296-402-030	REP-P	00-07-137	296-402A-460	NEW-P	00-07-137	308- 57-500	PREP	00-06-001
296-402-040	REP-P	00-07-137	296-402A-470	NEW-P	00-07-137	308- 58-010	REP	00-06-025
296-402-050	REP-P	00-07-137	296-402A-480	NEW-P	00-07-137	308- 58-020	REP	00-06-025
296-402-060	REP-P	00-07-137	296-402A-490	NEW-P	00-07-137	308- 58-030	REP	00-06-025
296-402-070	REP-P	00-07-137	296-402A-500	NEW-P	00-07-137	308- 58-040	REP	00-06-025
296-402-080	REP-P	00-07-137	296-402A-510	NEW-P	00-07-137	308- 58-050	REP	00-06-025
296-402-090	REP-P	00-07-137	296-402A-520	NEW-P	00-07-137	308- 63	PREP	00-06-007
296-402-100	REP-P	00-07-137	296-402A-530	NEW-P	00-07-137	308- 65	PREP	00-06-031
296-402-110	REP-P	00-07-137	296-402A-540	NEW-P	00-07-137	308- 72-500	PREP	00-08-063
296-402-120	REP-P	00-07-137	296-402A-550	NEW-P	00-07-137	308- 72-665	PREP	00-08-063
296-402-130	REP-P	00-07-137	296-402A-560	NEW-P	00-07-137	308- 72-690	PREP	00-08-063
296-402-140	REP-P	00-07-137	296-402A-570	NEW-P	00-07-137	308- 72-700	PREP	00-08-063
296-402-150	REP-P	00-07-137	296-402A-580	NEW-P	00-07-137	308- 72-710	PREP	00-08-063
296-402-160	REP-P	00-07-137	296-402A-590	NEW-P	00-07-137	308- 72-720	NEW-P	00-05-014
296-402-170	REP-P	00-07-137	296-402A-600	NEW-P	00-07-137	308- 72-720	NEW	00-08-032
296-402-180	REP-P	00-07-137	296-402A-610	NEW-P	00-07-137	308- 77	PREP	00-03-037
296-402-190	REP-P	00-07-137	296-402A-620	NEW-P	00-07-137	308- 77-045	PREP	00-03-037
296-402-200	REP-P	00-07-137	296-402A-630	NEW-P	00-07-137	308- 77-155	PREP	00-03-037
296-402A-010	NEW-P	00-07-137	296-402A-640	NEW-P	00-07-137	308- 77-165	PREP	00-03-037
296-402A-020	NEW-P	00-07-137	296-402A-650	NEW-P	00-07-137	308- 77-170	PREP	00-03-037
296-402A-030	NEW-P	00-07-137	296-402A-660	NEW-P	00-07-137	308- 77-180	PREP	00-03-037
296-402A-040	NEW-P	00-07-137	296-402A-670	NEW-P	00-07-137	308- 77-215	PREP	00-08-062
296-402A-050	NEW-P	00-07-137	296-402A-680	NEW-P	00-07-137	308- 77-240	PREP	00-03-037
296-402A-060	NEW-P	00-07-137	296-402A-690	NEW-P	00-07-137	308- 77-265	PREP	00-03-037
296-402A-070	NEW-P	00-07-137	308- 04-020	AMD-P	00-05-014	308- 77-270	PREP	00-03-037
296-402A-080	NEW-P	00-07-137	308- 04-020	AMD	00-08-032	308- 77-280	PREP	00-03-037
296-402A-090	NEW-P	00-07-137	308- 56A	PREP	00-07-092	308- 77-290	NEW-P	00-05-014

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 77-290	NEW	00-08-032	308- 96A-071	PREP	00-07-108	308-124H-029	NEW-P	00-03-063
308- 78-010	PREP	00-08-064	308- 96A-072	PREP	00-07-108	308-124H-029	NEW	00-08-035
308- 78-100	NEW-P	00-05-014	308- 96A-073	PREP	00-07-108	308-124H-031	NEW-P	00-03-063
308- 78-100	NEW	00-08-032	308- 96A-074	PREP	00-07-108	308-124H-031	NEW	00-08-035
308- 80	PREP	00-06-032	308- 96A-099	PREP	00-06-001	308-124H-034	NEW-P	00-03-063
308- 88-010	REP	00-06-024	308- 96A-135	PREP	00-06-001	308-124H-034	NEW	00-08-035
308- 88-020	AMD	00-06-024	308- 96A-145	PREP	00-06-001	308-124H-039	NEW-P	00-03-063
308- 88-030	REP	00-06-024	308- 96A-175	PREP	00-06-001	308-124H-039	NEW	00-08-035
308- 88-040	REP	00-06-024	308- 96A-175	PREP	00-07-108	308-124H-041	AMD-P	00-03-063
308- 88-050	REP	00-06-024	308- 96A-176	PREP	00-06-001	308-124H-041	AMD	00-08-035
308- 88-170	REP	00-06-024	308- 96A-176	PREP	00-07-108	308-124H-042	NEW-P	00-03-063
308- 90	PREP	00-06-033	308- 96A-180	PREP	00-06-001	308-124H-042	NEW	00-08-035
308- 91-090	PREP	00-03-038	308- 96A-202	PREP	00-06-001	308-124H-051	AMD-P	00-03-063
308- 91-150	AMD-P	00-05-014	308- 96A-203	PREP	00-06-001	308-124H-051	AMD	00-08-035
308- 91-150	AMD	00-08-032	308- 96A-203	PREP	00-06-001	308-124H-051	AMD	00-08-035
308- 93-010	AMD-P	00-07-065	308- 96A-306	PREP	00-08-043	308-124H-061	AMD-P	00-03-063
308- 93-010	PREP	00-07-107	308- 96A-311	PREP	00-08-043	308-124H-061	AMD	00-08-035
308- 93-030	PREP	00-07-107	308- 96A-312	PREP	00-08-043	308-124H-062	AMD-P	00-03-063
308- 93-050	PREP	00-07-107	308- 96A-313	PREP	00-08-043	308-124H-062	AMD	00-08-035
308- 93-055	PREP	00-07-107	308- 96A-314	PREP	00-08-043	308-124H-210	AMD-P	00-03-063
308- 93-056	PREP	00-07-107	308- 96A-316	PREP	00-08-043	308-124H-210	AMD	00-08-035
308- 93-060	PREP	00-07-105	308- 96A-345	AMD	00-03-057	308-124H-220	REP-P	00-03-063
308- 93-069	PREP	00-07-105	308- 96A-350	AMD	00-03-057	308-124H-220	REP	00-08-035
308- 93-070	PREP	00-07-105	308- 96A-355	AMD	00-03-057	308-124H-221	NEW-P	00-03-063
308- 93-071	PREP	00-07-105	308- 96A-360	REP	00-03-057	308-124H-221	NEW	00-08-035
308- 93-073	PREP	00-07-105	308- 96A-365	AMD	00-03-057	308-124H-230	AMD-P	00-03-063
308- 93-078	PREP	00-07-105	308- 96A-370	REP	00-03-057	308-124H-230	AMD	00-08-035
308- 93-079	PREP	00-07-107	308- 96A-375	REP	00-03-057	308-124H-240	REP-P	00-03-063
308- 93-090	PREP	00-07-107	308- 96A-380	REP	00-03-057	308-124H-240	REP	00-08-035
308- 93-145	AMD-P	00-05-056	308- 96A-400	PREP	00-06-001	308-124H-240	REP	00-08-035
308- 93-165	REP-P	00-05-049	308- 96A-410	PREP	00-06-001	308-124H-245	NEW-P	00-03-063
308- 93-200	PREP	00-07-106	308- 96A-550	PREP	00-07-108	308-124H-245	NEW	00-08-035
308- 93-220	PREP	00-07-106	308- 96A-560	PREP	00-07-108	308-124H-246	NEW-P	00-03-063
308- 93-230	PREP	00-07-106	308- 97-011	NEW	00-07-053	308-124H-246	NEW	00-08-035
308- 93-241	PREP	00-07-104	308- 97-230	PREP	00-06-001	308-124H-260	AMD-P	00-03-063
308- 93-242	PREP	00-07-104	308- 99-010	REP-P	00-07-126	308-124H-260	AMD	00-08-035
308- 93-243	PREP	00-07-104	308- 99-020	AMD-P	00-07-126	308-124H-270	AMD-P	00-03-063
308- 93-244	PREP	00-07-104	308- 99-021	REP-P	00-07-126	308-124H-270	AMD	00-08-035
308- 93-245	PREP	00-07-104	308- 99-025	REP-P	00-07-126	308-124H-290	AMD-P	00-03-063
308- 93-285	PREP	00-07-105	308- 99-030	REP-P	00-07-126	308-124H-290	AMD	00-08-035
308- 93-295	PREP	00-07-106	308- 99-040	AMD-P	00-07-126	308-124H-300	AMD-P	00-03-063
308- 93-350	PREP	00-07-105	308- 99-050	REP-P	00-07-126	308-124H-300	AMD	00-08-035
308- 93-360	PREP	00-07-105	308- 99-060	NEW-P	00-07-126	308-124H-310	AMD-P	00-03-063
308- 93-440	PREP	00-07-093	308-124-021	AMD-P	00-03-063	308-124H-310	AMD	00-08-035
308- 93-450	PREP	00-07-093	308-124-021	AMD	00-08-035	308-124H-320	AMD-P	00-03-063
308- 93-460	PREP	00-07-093	308-124E-013	AMD-P	00-03-063	308-124H-320	AMD	00-08-035
308- 93-470	PREP	00-07-093	308-124E-013	AMD	00-08-035	308-124H-510	AMD-P	00-03-063
308- 93-640	PREP	00-07-105	308-124H-011	AMD-P	00-03-063	308-124H-510	AMD	00-08-035
308- 93-650	AMD-P	00-05-049	308-124H-011	AMD	00-08-035	308-124H-520	REP-P	00-03-063
308- 94	PREP	00-06-034	308-124H-012	NEW-P	00-03-063	308-124H-520	REP	00-08-035
308- 94-010	REP-P	00-05-050	308-124H-012	NEW	00-08-035	308-124H-525	NEW-P	00-03-063
308- 94-030	PREP	00-07-094	308-124H-013	NEW-P	00-03-063	308-124H-525	NEW	00-08-035
308- 94-050	PREP	00-07-094	308-124H-013	NEW	00-08-035	308-124H-530	AMD-P	00-03-063
308- 94-080	PREP	00-07-094	308-124H-021	REP-P	00-03-063	308-124H-530	AMD	00-08-035
308- 94-100	PREP	00-07-094	308-124H-021	REP	00-08-035	308-124H-551	NEW-P	00-03-063
308- 94-160	REP-P	00-05-050	308-124H-025	AMD-P	00-03-063	308-124H-551	NEW	00-08-035
308- 96A-005	AMD-P	00-03-094	308-124H-025	AMD	00-08-035	308-124H-580	AMD-P	00-03-063
308- 96A-065	PREP	00-07-108	308-124H-026	NEW-P	00-03-063	308-124H-580	AMD	00-08-035
308- 96A-066	PREP	00-07-108	308-124H-026	NEW	00-08-035	308-124H-800	AMD-P	00-03-063
308- 96A-067	PREP	00-07-108	308-124H-027	NEW-P	00-03-063	308-124H-800	AMD	00-08-035
308- 96A-068	PREP	00-07-108	308-124H-027	NEW	00-08-035	308-125-200	AMD	00-04-057
308- 96A-070	PREP	00-07-108	308-124H-028	NEW-P	00-03-063	308-129-100	AMD-P	00-08-005
			308-124H-028	NEW	00-08-035	308-129-230	REP-P	00-08-005
						308-300-010	PREP	00-08-067

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-300-020	PREP	00-08-067	314- 16-210	REP	00-07-117	315- 11A-209	REP	00-07-131
308-300-030	PREP	00-08-067	314- 16-240	REP	00-07-117	315- 11A-210	REP-XR	00-02-055
308-300-040	PREP	00-08-067	314- 37	PREP	00-02-087	315- 11A-210	REP	00-07-131
308-300-050	PREP	00-08-067	314- 42-010	NEW-P	00-02-089	315- 11A-211	REP-XR	00-02-055
308-300-060	PREP	00-08-067	314- 42-010	NEW	00-06-016	315- 11A-211	REP	00-07-131
308-300-070	PREP	00-08-067	314- 48-010	PREP	00-02-087	315- 11A-212	REP-XR	00-02-055
308-300-075	PREP	00-08-067	314- 56-010	REP-XR	00-02-086	315- 11A-212	REP	00-07-131
308-300-080	PREP	00-08-067	314- 56-020	REP-XR	00-02-086	315- 11A-213	REP-XR	00-02-055
308-300-090	PREP	00-08-067	314- 60	PREP	00-02-088	315- 11A-213	REP	00-07-131
308-300-100	PREP	00-08-067	314- 62	PREP	00-02-088	315- 11A-214	REP-XR	00-02-055
308-300-110	PREP	00-08-067	314- 64	PREP	00-02-087	315- 11A-214	REP	00-07-131
308-300-120	PREP	00-08-067	314- 76-010	PREP	00-02-087	317- 10	PREP	00-05-096
308-300-130	PREP	00-08-067	314- 78-010	REP-XR	00-02-086	332-130-050	AMD-P	00-08-034
308-300-140	PREP	00-08-067	315- 06-120	PREP	00-05-059	352- 32	PREP	00-04-081
308-300-150	PREP	00-08-067	315- 06-120	AMD-P	00-07-130	352- 32-285	PREP	00-04-081
308-300-160	PREP	00-08-067	315- 11A-165	REP-XR	00-02-055	356- 14-045	AMD-P	00-04-052
308-300-170	PREP	00-08-067	315- 11A-165	REP	00-07-131	356- 14-045	AMD-C	00-06-050
308-300-180	PREP	00-08-067	315- 11A-187	REP-XR	00-02-055	356- 26-040	AMD-P	00-04-052
308-300-190	PREP	00-08-067	315- 11A-187	REP	00-07-131	356- 26-040	AMD-C	00-06-050
308-300-200	PREP	00-08-067	315- 11A-188	REP-XR	00-02-055	356- 30-075	AMD-P	00-04-052
314- 02-005	NEW	00-07-091	315- 11A-188	REP	00-07-131	356- 30-075	AMD-C	00-06-050
314- 02-010	NEW	00-07-091	315- 11A-189	REP-XR	00-02-055	356- 30-331	AMD-P	00-06-047
314- 02-015	NEW	00-07-091	315- 11A-189	REP	00-07-131	359- 14-010	NEW-P	00-04-054
314- 02-020	NEW	00-07-091	315- 11A-190	REP-XR	00-02-055	359- 14-010	NEW-C	00-06-049
314- 02-025	NEW	00-07-091	315- 11A-190	REP	00-07-131	359- 14-020	NEW-P	00-04-054
314- 02-030	NEW	00-07-091	315- 11A-190	REP	00-07-131	359- 14-020	NEW-C	00-06-049
314- 02-035	NEW	00-07-091	315- 11A-191	REP-XR	00-02-055	359- 14-030	NEW-P	00-04-054
314- 02-040	NEW	00-07-091	315- 11A-191	REP	00-07-131	359- 14-030	NEW-C	00-06-049
314- 02-045	NEW	00-07-091	315- 11A-192	REP-XR	00-02-055	359- 14-050	NEW-P	00-04-054
314- 02-050	NEW	00-07-091	315- 11A-192	REP	00-07-131	359- 14-050	NEW-C	00-06-049
314- 02-055	NEW	00-07-091	315- 11A-193	REP-XR	00-02-055	359- 14-070	NEW-P	00-04-054
314- 02-060	NEW	00-07-091	315- 11A-193	REP	00-07-131	359- 14-070	NEW-C	00-06-049
314- 02-065	NEW	00-07-091	315- 11A-194	REP-XR	00-02-055	359- 14-080	NEW-P	00-04-054
314- 02-070	NEW	00-07-091	315- 11A-194	REP	00-07-131	359- 14-080	NEW-C	00-06-049
314- 02-075	NEW	00-07-091	315- 11A-195	REP-XR	00-02-055	359- 14-100	NEW-P	00-04-054
314- 02-080	NEW	00-07-091	315- 11A-195	REP	00-07-131	359- 14-100	NEW-C	00-06-049
314- 02-085	NEW	00-07-091	315- 11A-196	REP-XR	00-02-055	359- 14-130	NEW-P	00-04-054
314- 02-090	NEW	00-07-091	315- 11A-196	REP	00-07-131	359- 14-130	NEW-C	00-06-049
314- 02-095	NEW	00-07-091	315- 11A-197	REP-XR	00-02-055	359- 14-130	NEW-P	00-04-054
314- 02-100	NEW	00-07-091	315- 11A-197	REP	00-07-131	359- 40-010	NEW-P	00-04-054
314- 02-105	NEW	00-07-091	315- 11A-198	REP-XR	00-02-055	359- 40-010	NEW-C	00-06-049
314- 02-110	NEW	00-07-091	315- 11A-198	REP	00-07-131	359- 40-020	NEW-P	00-04-054
314- 02-115	NEW	00-07-091	315- 11A-199	REP-XR	00-02-055	359- 40-020	NEW-C	00-06-049
314- 02-120	NEW	00-07-091	315- 11A-199	REP	00-07-131	359- 40-050	NEW-P	00-04-054
314- 02-125	NEW	00-07-091	315- 11A-200	REP-XR	00-02-055	359- 40-050	NEW-C	00-06-049
314- 02-130	NEW	00-07-091	315- 11A-200	REP	00-07-131	359- 40-060	NEW-P	00-04-054
314- 15-010	REP	00-07-117	315- 11A-200	REP	00-07-131	359- 40-060	NEW-C	00-06-049
314- 15-020	REP	00-07-117	315- 11A-201	REP-XR	00-02-055	363-116-300	AMD-P	00-08-106
314- 15-030	REP	00-07-117	315- 11A-201	REP	00-07-131	365-120	AMD	00-05-020
314- 15-040	REP	00-07-117	315- 11A-202	REP-XR	00-02-055	365-120-010	AMD	00-05-020
314- 15-050	REP	00-07-117	315- 11A-202	REP	00-07-131	365-120-020	AMD	00-05-020
314- 16-040	AMD-XA	00-07-116	315- 11A-203	REP-XR	00-02-055	365-120-030	AMD	00-05-020
314- 16-055	REP	00-07-117	315- 11A-203	REP	00-07-131	365-120-040	AMD	00-05-020
314- 16-115	REP	00-07-117	315- 11A-204	REP-XR	00-02-055	365-120-050	AMD	00-05-020
314- 16-140	REP	00-07-117	315- 11A-204	REP	00-07-131	365-120-060	AMD	00-05-020
314- 16-180	REP	00-07-117	315- 11A-205	REP-XR	00-02-055	365-120-070	NEW	00-05-020
314- 16-190	AMD-XA	00-07-116	315- 11A-205	REP	00-07-131	365-120-080	NEW	00-05-020
314- 16-196	AMD-XA	00-07-116	315- 11A-206	REP-XR	00-02-055	365-120-090	NEW	00-05-020
314- 16-197	REP	00-07-117	315- 11A-206	REP	00-07-131	365-135-020	AMD	00-02-061
314- 16-199	REP	00-07-117	315- 11A-207	REP-XR	00-02-055	365-195-900	NEW-P	00-03-066
314- 16-200	REP	00-07-117	315- 11A-207	REP	00-07-131	365-195-905	NEW-P	00-03-066
314- 16-205	REP	00-07-117	315- 11A-208	REP-XR	00-02-055	365-195-910	NEW-P	00-03-066
			315- 11A-208	REP	00-07-131	365-195-915	NEW-P	00-03-066
			315- 11A-209	REP-XR	00-02-055			

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
365-195-920	NEW-P	00-03-066	388- 11-285	PREP	00-06-039	388- 14-424	PREP	00-06-039
365-195-925	NEW-P	00-03-066	388- 11-290	PREP	00-06-039	388- 14-427	PREP	00-06-039
365-197-010	NEW-P	00-03-067	388- 11-295	PREP	00-06-039	388- 14-435	PREP	00-06-039
365-197-020	NEW-P	00-03-067	388- 11-300	PREP	00-06-039	388- 14-440	PREP	00-06-039
365-197-030	NEW-P	00-03-067	388- 11-305	PREP	00-06-039	388- 14-445	PREP	00-06-039
365-197-040	NEW-P	00-03-067	388- 11-310	PREP	00-06-039	388- 14-450	PREP	00-06-039
365-197-050	NEW-P	00-03-067	388- 11-315	PREP	00-06-039	388- 14-460	PREP	00-06-039
365-197-060	NEW-P	00-03-067	388- 11-315	REP-P	00-06-068	388- 14-480	PREP	00-06-039
365-197-070	NEW-P	00-03-067	388- 11-320	PREP	00-06-039	388- 14-490	PREP	00-06-039
365-197-080	NEW-P	00-03-067	388- 11-325	PREP	00-06-039	388- 14-495	PREP	00-06-039
388- 03-010	NEW	00-06-014	388- 11-330	PREP	00-06-039	388- 14-500	PREP	00-06-039
388- 03-020	NEW	00-06-014	388- 11-335	PREP	00-06-039	388- 14-510	PREP	00-06-039
388- 03-030	NEW	00-06-014	388- 11-340	PREP	00-06-039	388- 14-520	PREP	00-06-039
388- 03-050	NEW	00-06-014	388- 11-400	PREP	00-06-039	388- 14-530	PREP	00-06-039
388- 03-060	NEW	00-06-014	388- 11-410	PREP	00-06-039	388- 14-540	PREP	00-06-039
388- 03-110	NEW	00-06-014	388- 11-415	PREP	00-06-039	388- 14-550	PREP	00-06-039
388- 03-112	NEW	00-06-014	388- 11-420	PREP	00-06-039	388- 14-560	PREP	00-06-039
388- 03-114	NEW	00-06-014	388- 11-425	PREP	00-06-039	388- 14-570	PREP	00-06-039
388- 03-115	NEW	00-06-014	388- 11-430	PREP	00-06-039	388- 14A-3850	NEW-P	00-06-068
388- 03-116	NEW	00-06-014	388- 13	PREP	00-06-039	388- 14A-3855	NEW-P	00-06-068
388- 03-117	NEW	00-06-014	388- 14-010	PREP	00-06-039	388- 14A-3860	NEW-P	00-06-068
388- 03-118	NEW	00-06-014	388- 14-020	PREP	00-06-039	388- 14A-3865	NEW-P	00-06-068
388- 03-120	NEW	00-06-014	388- 14-030	PREP	00-06-039	388- 14A-3870	NEW-P	00-06-068
388- 03-122	NEW	00-06-014	388- 14-035	PREP	00-06-039	388- 14A-3875	NEW-P	00-06-068
388- 03-123	NEW	00-06-014	388- 14-040	PREP	00-06-039	388- 15-120	REP	00-03-029
388- 03-124	NEW	00-06-014	388- 14-045	PREP	00-06-039	388- 15-145	REP	00-04-056
388- 03-125	NEW	00-06-014	388- 14-050	PREP	00-06-039	388- 15-196	REP	00-03-043
388- 03-126	NEW	00-06-014	388- 14-100	PREP	00-06-039	388- 15-19600	REP	00-03-043
388- 03-130	NEW	00-06-014	388- 14-200	PREP	00-06-039	388- 15-19610	REP	00-03-043
388- 03-132	NEW	00-06-014	388- 14-201	PREP	00-06-039	388- 15-19620	REP	00-03-043
388- 03-133	NEW	00-06-014	388- 14-202	PREP	00-06-039	388- 15-19630	REP	00-03-043
388- 03-135	NEW	00-06-014	388- 14-203	PREP	00-06-039	388- 15-19640	REP	00-03-043
388- 03-138	NEW	00-06-014	388- 14-205	PREP	00-06-039	388- 15-19650	REP	00-03-043
388- 03-140	NEW	00-06-014	388- 14-210	PREP	00-06-039	388- 15-19660	REP	00-03-043
388- 03-150	NEW	00-06-014	388- 14-220	PREP	00-06-039	388- 15-19670	REP	00-03-043
388- 03-152	NEW	00-06-014	388- 14-250	PREP	00-06-039	388- 15-19680	REP	00-03-043
388- 03-154	NEW	00-06-014	388- 14-260	PREP	00-06-039	388- 15-198	REP	00-03-043
388- 03-156	NEW	00-06-014	388- 14-270	PREP	00-06-039	388- 15-200	REP	00-04-056
388- 03-170	NEW	00-06-014	388- 14-271	PREP	00-06-039	388- 15-201	REP	00-04-056
388- 03-172	NEW	00-06-014	388- 14-272	PREP	00-06-039	388- 15-206	REP	00-04-056
388- 03-174	NEW	00-06-014	388- 14-273	PREP	00-06-039	388- 15-207	REP	00-04-056
388- 03-176	NEW	00-06-014	388- 14-274	PREP	00-06-039	388- 15-209	REP	00-04-056
388- 11-011	PREP	00-06-039	388- 14-276	PREP	00-06-039	388- 15-214	REP	00-04-056
388- 11-015	PREP	00-06-039	388- 14-300	PREP	00-06-039	388- 15-215	REP	00-04-056
388- 11-045	PREP	00-06-039	388- 14-310	PREP	00-06-039	388- 15-219	REP	00-04-056
388- 11-048	PREP	00-06-039	388- 14-350	PREP	00-06-039	388- 15-222	REP	00-04-056
388- 11-065	PREP	00-06-039	388- 14-360	PREP	00-06-039	388- 15-548	REP	00-04-056
388- 11-067	PREP	00-06-039	388- 14-365	PREP	00-06-039	388- 15-551	REP	00-04-056
388- 11-100	PREP	00-06-039	388- 14-370	PREP	00-06-039	388- 15-552	REP	00-04-056
388- 11-120	PREP	00-06-039	388- 14-376	PREP	00-06-039	388- 15-553	REP	00-04-056
388- 11-135	PREP	00-06-039	388- 14-385	PREP	00-06-039	388- 15-554	REP	00-04-056
388- 11-140	PREP	00-06-039	388- 14-386	PREP	00-06-039	388- 15-555	REP	00-04-056
388- 11-145	PREP	00-06-039	388- 14-387	PREP	00-06-039	388- 15-560	REP	00-04-056
388- 11-150	PREP	00-06-039	388- 14-388	PREP	00-06-039	388- 15-562	REP	00-04-056
388- 11-155	PREP	00-06-039	388- 14-390	PREP	00-06-039	388- 15-563	REP	00-04-056
388- 11-170	PREP	00-06-039	388- 14-395	PREP	00-06-039	388- 15-564	REP	00-04-056
388- 11-180	PREP	00-06-039	388- 14-410	PREP	00-06-039	388- 15-566	REP	00-04-056
388- 11-205	PREP	00-06-039	388- 14-415	PREP	00-06-039	388- 15-568	REP	00-04-056
388- 11-210	PREP	00-06-039	388- 14-420	PREP	00-06-039	388- 15-600	REP	00-04-056
388- 11-215	PREP	00-06-039	388- 14-421	PREP	00-06-039	388- 15-620	REP	00-04-056
388- 11-220	PREP	00-06-039	388- 14-422	PREP	00-06-039	388- 15-630	REP	00-04-056
388- 11-280	PREP	00-06-039	388- 14-423	PREP	00-06-039	388- 15-650	PREP	00-08-049

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**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 15-651	PREP	00-08-049	388- 71-0480	NEW	00-04-056	388- 97-005	AMD	00-06-028
388- 15-652	PREP	00-08-049	388- 71-0480	PREP	00-07-100	388- 97-010	REP	00-06-028
388- 15-653	PREP	00-08-049	388- 71-0500	NEW	00-03-043	388- 97-012	NEW	00-06-028
388- 15-654	PREP	00-08-049	388- 71-0505	NEW	00-03-043	388- 97-015	REP	00-06-028
388- 15-655	PREP	00-08-049	388- 71-0510	NEW	00-03-043	388- 97-017	NEW	00-06-028
388- 15-656	PREP	00-08-049	388- 71-0515	NEW	00-03-043	388- 97-020	REP	00-06-028
388- 15-657	PREP	00-08-049	388- 71-0520	NEW	00-03-043	388- 97-022	NEW	00-06-028
388- 15-658	PREP	00-08-049	388- 71-0525	NEW	00-03-043	388- 97-025	REP	00-06-028
388- 15-659	PREP	00-08-049	388- 71-0530	NEW	00-03-043	388- 97-027	NEW	00-06-028
388- 15-660	PREP	00-08-049	388- 71-0535	NEW	00-03-043	388- 97-030	REP	00-06-028
388- 15-661	PREP	00-08-049	388- 71-0540	NEW	00-03-043	388- 97-032	NEW	00-06-028
388- 15-662	PREP	00-08-049	388- 71-0545	NEW	00-03-043	388- 97-035	REP	00-06-028
388- 15-690	REP	00-04-056	388- 71-0550	NEW	00-03-043	388- 97-037	NEW	00-06-028
388- 15-695	REP	00-04-056	388- 71-0555	NEW	00-03-043	388- 97-040	REP	00-06-028
388- 15-700	REP	00-04-056	388- 71-0560	NEW	00-03-043	388- 97-042	NEW	00-06-028
388- 15-705	REP	00-04-056	388- 71-0580	NEW	00-03-043	388- 97-043	NEW	00-06-028
388- 15-710	REP	00-04-056	388- 71-0600	NEW	00-04-056	388- 97-045	REP	00-06-028
388- 15-715	REP	00-04-056	388- 71-0605	NEW	00-04-056	388- 97-047	NEW	00-06-028
388- 15-810	REP	00-04-056	388- 71-0610	NEW	00-04-056	388- 97-050	REP	00-06-028
388- 15-830	REP	00-04-056	388- 71-0615	NEW	00-04-056	388- 97-051	NEW	00-06-028
388- 15-880	REP	00-04-056	388- 71-0620	NEW	00-04-056	388- 97-052	NEW	00-06-028
388- 15-890	REP	00-04-056	388- 71-1000	NEW	00-04-056	388- 97-053	NEW	00-06-028
388- 15-895	REP	00-04-056	388- 71-1005	NEW	00-04-056	388- 97-055	AMD	00-06-028
388- 17-010	REP	00-04-056	388- 71-1010	NEW	00-04-056	388- 97-060	AMD	00-06-028
388- 17-020	REP	00-04-056	388- 71-1015	NEW	00-04-056	388- 97-065	AMD	00-06-028
388- 17-100	REP	00-04-056	388- 71-1020	NEW	00-04-056	388- 97-070	REP	00-06-028
388- 17-120	REP	00-04-056	388- 71-1025	NEW	00-04-056	388- 97-07005	NEW	00-06-028
388- 17-160	REP	00-04-056	388- 71-1030	NEW	00-04-056	388- 97-07010	NEW	00-06-028
388- 17-180	REP	00-04-056	388- 71-1035	NEW	00-04-056	388- 97-07015	NEW	00-06-028
388- 17-500	REP	00-04-056	388- 71-1065	NEW	00-04-056	388- 97-07020	NEW	00-06-028
388- 17-510	REP	00-04-056	388- 71-1070	NEW	00-04-056	388- 97-07025	NEW	00-06-028
388- 24-2070	REP	00-03-012	388- 71-1075	NEW	00-04-056	388- 97-07030	NEW	00-06-028
388- 24-2100	REP	00-03-012	388- 71-1080	NEW	00-04-056	388- 97-07035	NEW	00-06-028
388- 24-2150	REP	00-03-012	388- 71-1085	NEW	00-04-056	388- 97-07040	NEW	00-06-028
388- 24-2200	REP	00-03-012	388- 71-1090	NEW	00-04-056	388- 97-07045	NEW	00-06-028
388- 24-2250	REP	00-03-012	388- 71-1095	NEW	00-04-056	388- 97-07050	NEW	00-06-028
388- 24-2350	REP	00-03-012	388- 71-1100	NEW	00-04-056	388- 97-07055	NEW	00-06-028
388- 24-2430	REP	00-03-012	388- 71-1105	NEW	00-04-056	388- 97-07060	NEW	00-06-028
388- 71-0100	NEW	00-03-029	388- 71-1110	NEW	00-04-056	388- 97-07065	NEW	00-06-028
388- 71-0105	NEW	00-03-029	388- 76-61510	PREP	00-07-057	388- 97-07070	NEW	00-06-028
388- 71-0110	NEW	00-03-029	388- 76-640	PREP	00-07-057	388- 97-075	AMD	00-06-028
388- 71-0115	NEW	00-03-029	388- 81	PREP	00-07-055	388- 97-076	NEW	00-06-028
388- 71-0120	NEW	00-03-029	388- 86	PREP	00-03-011	388- 97-077	NEW	00-06-028
388- 71-0150	NEW	00-03-029	388- 86-012	PREP	00-03-011	388- 97-080	REP	00-06-028
388- 71-0155	NEW	00-03-029	388- 86-012	REP-XR	00-08-057	388- 97-08010	NEW	00-06-028
388- 71-0400	NEW	00-04-056	388- 86-017	PREP	00-05-108	388- 97-08020	NEW	00-06-028
388- 71-0405	NEW	00-04-056	388- 86-019	PREP	00-03-011	388- 97-08030	NEW	00-06-028
388- 71-0410	NEW	00-04-056	388- 86-035	PREP	00-07-056	388- 97-08040	NEW	00-06-028
388- 71-0415	NEW	00-04-056	388- 86-067	REP	00-05-039	388- 97-08050	NEW	00-06-028
388- 71-0420	NEW	00-04-056	388- 86-087	PREP	00-07-056	388- 97-08060	NEW	00-06-028
388- 71-0425	NEW	00-04-056	388- 86-090	REP	00-04-019	388- 97-08070	NEW	00-06-028
388- 71-0430	NEW	00-04-056	388- 86-110	PREP	00-03-011	388- 97-085	AMD	00-06-028
388- 71-0440	NEW	00-04-056	388- 86-115	PREP	00-03-011	388- 97-090	AMD	00-06-028
388- 71-0445	NEW	00-04-056	388- 86-120	PREP	00-03-011	388- 97-095	REP	00-06-028
388- 71-0445	PREP	00-07-100	388- 86-300	PREP	00-03-011	388- 97-097	NEW	00-06-028
388- 71-0450	NEW	00-04-056	388- 87	PREP	00-03-011	388- 97-100	REP	00-06-028
388- 71-0455	NEW	00-04-056	388- 87-027	PREP	00-03-011	388- 97-105	REP	00-06-028
388- 71-0460	NEW	00-04-056	388- 87-067	REP	00-05-039	388- 97-110	AMD	00-06-028
388- 71-0465	NEW	00-04-056	388- 87-077	REP	00-05-039	388- 97-115	AMD	00-06-028
388- 71-0470	NEW	00-04-056	388- 87-090	REP	00-04-019	388- 97-120	AMD	00-06-028
388- 71-0470	PREP	00-07-100	388- 87-200	PREP	00-07-056	388- 97-12010	NEW	00-06-028
388- 71-0475	NEW	00-04-056	388- 90-010	REP	00-07-045	388- 97-12020	NEW	00-06-028

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-12030	NEW	00-06-028	388-97-32540	NEW	00-06-028	388-97-403	NEW	00-06-028
388-97-12040	NEW	00-06-028	388-97-32550	NEW	00-06-028	388-97-405	AMD	00-06-028
388-97-12050	NEW	00-06-028	388-97-32560	NEW	00-06-028	388-97-410	AMD	00-06-028
388-97-12060	NEW	00-06-028	388-97-32570	NEW	00-06-028	388-97-415	AMD	00-06-028
388-97-12070	NEW	00-06-028	388-97-32580	NEW	00-06-028	388-97-420	AMD	00-06-028
388-97-125	AMD	00-06-028	388-97-330	AMD	00-06-028	388-97-425	AMD	00-06-028
388-97-130	AMD	00-06-028	388-97-33010	NEW	00-06-028	388-97-430	AMD	00-06-028
388-97-135	AMD	00-06-028	388-97-33020	NEW	00-06-028	388-97-43010	NEW	00-06-028
388-97-140	AMD	00-06-028	388-97-33030	NEW	00-06-028	388-97-43020	NEW	00-06-028
388-97-145	REP	00-06-028	388-97-33040	NEW	00-06-028	388-97-43030	NEW	00-06-028
388-97-147	NEW	00-06-028	388-97-33050	NEW	00-06-028	388-97-43040	NEW	00-06-028
388-97-150	REP	00-06-028	388-97-335	AMD	00-06-028	388-97-43050	NEW	00-06-028
388-97-155	AMD	00-06-028	388-97-33510	NEW	00-06-028	388-97-435	REP	00-06-028
388-97-160	AMD	00-06-028	388-97-33520	NEW	00-06-028	388-97-440	REP	00-06-028
388-97-162	NEW	00-06-028	388-97-33530	NEW	00-06-028	388-97-445	REP	00-06-028
388-97-165	AMD	00-06-028	388-97-33540	NEW	00-06-028	388-97-450	REP	00-06-028
388-97-170	AMD	00-06-028	388-97-33550	NEW	00-06-028	388-97-455	AMD	00-06-028
388-97-175	AMD	00-06-028	388-97-33560	NEW	00-06-028	388-97-45510	NEW	00-06-028
388-97-180	AMD	00-06-028	388-97-33570	NEW	00-06-028	388-97-460	AMD	00-06-028
388-97-185	AMD	00-06-028	388-97-33580	NEW	00-06-028	388-97-46010	NEW	00-06-028
388-97-190	AMD	00-06-028	388-97-340	AMD	00-06-028	388-97-465	AMD	00-06-028
388-97-195	AMD	00-06-028	388-97-34010	NEW	00-06-028	388-97-46510	NEW	00-06-028
388-97-200	REP	00-06-028	388-97-34020	NEW	00-06-028	388-97-46520	NEW	00-06-028
388-97-202	NEW	00-06-028	388-97-345	AMD	00-06-028	388-97-46530	NEW	00-06-028
388-97-205	AMD	00-06-028	388-97-347	NEW	00-06-028	388-97-46540	NEW	00-06-028
388-97-210	REP	00-06-028	388-97-350	AMD	00-06-028	388-97-46550	NEW	00-06-028
388-97-212	NEW	00-06-028	388-97-35010	NEW	00-06-028	388-97-46560	NEW	00-06-028
388-97-215	REP	00-06-028	388-97-35020	NEW	00-06-028	388-97-46570	NEW	00-06-028
388-97-220	AMD	00-06-028	388-97-35030	NEW	00-06-028	388-97-46580	NEW	00-06-028
388-97-225	REP	00-06-028	388-97-35040	NEW	00-06-028	388-97-46590	NEW	00-06-028
388-97-230	REP	00-06-028	388-97-35050	NEW	00-06-028	388-97-470	AMD	00-06-028
388-97-235	REP	00-06-028	388-97-35060	NEW	00-06-028	388-97-47010	NEW	00-06-028
388-97-240	REP	00-06-028	388-97-352	NEW	00-06-028	388-97-47020	NEW	00-06-028
388-97-245	REP	00-06-028	388-97-353	NEW	00-06-028	388-97-475	REP	00-06-028
388-97-247	NEW	00-06-028	388-97-355	AMD	00-06-028	388-97-480	AMD	00-06-028
388-97-249	NEW	00-06-028	388-97-357	NEW	00-06-028	388-97-48010	NEW	00-06-028
388-97-250	REP	00-06-028	388-97-35710	NEW	00-06-028	388-97-48020	NEW	00-06-028
388-97-251	NEW	00-06-028	388-97-35720	NEW	00-06-028	388-97-48030	NEW	00-06-028
388-97-253	NEW	00-06-028	388-97-360	AMD	00-06-028	388-97-48040	NEW	00-06-028
388-97-255	REP	00-06-028	388-97-36010	NEW	00-06-028	388-97-550	NEW	00-06-028
388-97-260	AMD	00-06-028	388-97-36020	NEW	00-06-028	388-97-555	NEW	00-06-028
388-97-265	REP	00-06-028	388-97-36030	NEW	00-06-028	388-97-560	NEW	00-06-028
388-97-270	REP	00-06-028	388-97-36040	NEW	00-06-028	388-97-565	NEW	00-06-028
388-97-275	REP	00-06-028	388-97-36050	NEW	00-06-028	388-97-570	NEW	00-06-028
388-97-280	REP	00-06-028	388-97-36060	NEW	00-06-028	388-97-575	NEW	00-06-028
388-97-285	NEW	00-06-028	388-97-36070	NEW	00-06-028	388-97-580	NEW	00-06-028
388-97-295	AMD	00-06-028	388-97-365	AMD	00-06-028	388-97-585	NEW	00-06-028
388-97-29510	NEW	00-06-028	388-97-36510	NEW	00-06-028	388-97-590	NEW	00-06-028
388-97-29520	NEW	00-06-028	388-97-36520	NEW	00-06-028	388-97-595	NEW	00-06-028
388-97-29530	NEW	00-06-028	388-97-36530	NEW	00-06-028	388-97-600	NEW	00-06-028
388-97-29540	NEW	00-06-028	388-97-370	AMD	00-06-028	388-155-010	AMD	00-06-040
388-97-29550	NEW	00-06-028	388-97-37010	NEW	00-06-028	388-155-020	AMD	00-06-040
388-97-29560	NEW	00-06-028	388-97-37020	NEW	00-06-028	388-155-070	AMD	00-06-040
388-97-300	REP	00-06-028	388-97-375	AMD	00-06-028	388-155-098	AMD	00-06-040
388-97-305	REP	00-06-028	388-97-380	REP	00-06-028	388-155-100	AMD	00-06-040
388-97-310	AMD	00-06-028	388-97-385	AMD	00-06-028	388-155-110	AMD	00-06-040
388-97-315	AMD	00-06-028	388-97-390	REP	00-06-028	388-155-120	AMD	00-06-040
388-97-320	REP	00-06-028	388-97-395	REP	00-06-028	388-155-130	AMD	00-06-040
388-97-325	AMD	00-06-028	388-97-400	AMD	00-06-028	388-155-140	AMD	00-06-040
388-97-32510	NEW	00-06-028	388-97-40010	NEW	00-06-028	388-155-150	AMD	00-06-040
388-97-32520	NEW	00-06-028	388-97-401	NEW	00-06-028	388-155-165	AMD	00-06-040
388-97-32530	NEW	00-06-028	388-97-402	NEW	00-06-028	388-155-170	AMD	00-06-040

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-155-180	AMD	00-06-040	388-310-0700	AMD-P	00-03-051	388-490-0005	AMD-P	00-04-092
388-155-200	AMD	00-06-040	388-310-0700	AMD	00-06-062	388-490-0005	AMD	00-08-091
388-155-210	REP	00-06-040	388-310-0800	PREP	00-05-109	388-492	PREP	00-08-088
388-155-220	AMD	00-06-040	388-310-0800	AMD-E	00-06-061	388-501-0125	PREP	00-03-011
388-155-230	AMD	00-06-040	388-310-0800	AMD-P	00-08-089	388-501-0160	AMD	00-03-035
388-155-240	AMD	00-06-040	388-310-1400	AMD-P	00-03-051	388-501-0165	AMD	00-03-035
388-155-250	AMD	00-06-040	388-310-1400	AMD	00-06-062	388-501-0200	AMD-XA	00-07-044
388-155-260	REP	00-06-040	388-310-1450	NEW-P	00-03-051	388-502-0205	PREP	00-06-022
388-155-270	AMD	00-06-040	388-310-1450	NEW	00-06-062	388-513-1380	AMD-E	00-08-003
388-155-280	AMD	00-06-040	388-310-1800	PREP	00-07-102	388-529-2940	REP	00-05-039
388-155-290	AMD	00-06-040	388-310-1850	AMD-E	00-03-013	388-529-2950	REP	00-05-039
388-155-295	AMD	00-06-040	388-310-1850	AMD-P	00-04-091	388-530-1000	PREP	00-07-087
388-155-310	AMD	00-06-040	388-310-1850	AMD	00-08-021	388-530-1050	PREP	00-07-087
388-155-320	AMD	00-06-040	388-400-0005	AMD	00-05-007	388-530-1100	PREP	00-07-087
388-155-340	AMD	00-06-040	388-400-0010	AMD	00-05-007	388-530-1150	PREP	00-07-087
388-155-350	AMD	00-06-040	388-400-0025	PREP	00-08-056	388-530-1200	PREP	00-07-087
388-155-360	AMD	00-06-040	388-404-0005	AMD	00-05-007	388-530-1250	PREP	00-07-087
388-155-390	AMD	00-06-040	388-406-0015	AMD	00-06-015	388-530-1300	PREP	00-07-087
388-155-400	AMD	00-06-040	388-406-0060	PREP	00-06-060	388-530-1350	PREP	00-07-087
388-155-410	AMD	00-06-040	388-408-0020	AMD	00-05-007	388-530-1400	PREP	00-07-087
388-155-430	AMD	00-06-040	388-408-0025	PREP	00-08-050	388-530-1450	PREP	00-07-087
388-155-440	AMD	00-06-040	388-408-0035	PREP	00-08-052	388-530-1500	PREP	00-07-087
388-155-450	AMD	00-06-040	388-414-0001	AMD-P	00-07-076	388-530-1550	PREP	00-07-087
388-155-460	AMD	00-06-040	388-416-0015	AMD-P	00-04-045	388-530-1650	PREP	00-07-087
388-155-470	AMD	00-06-040	388-416-0015	AMD	00-08-002	388-530-1700	PREP	00-07-087
388-155-490	AMD	00-06-040	388-418-0012	REP-P	00-03-062	388-530-1750	PREP	00-07-088
388-155-500	AMD	00-06-040	388-418-0012	REP	00-07-077	388-530-1850	PREP	00-07-087
388-155-600	AMD	00-06-040	388-418-0025	AMD-P	00-04-045	388-530-1900	PREP	00-07-087
388-200-1160	REP	00-03-035	388-418-0025	AMD	00-08-002	388-530-1950	PREP	00-07-087
388-200-1300	PREP	00-04-036	388-424-0015	AMD-P	00-05-110	388-532	PREP	00-07-056
388-200-1350	PREP	00-04-036	388-424-0015	AMD	00-08-060	388-538-001	REP	00-04-080
388-235	PREP	00-08-051	388-424-0025	AMD-E	00-08-004	388-538-050	AMD	00-04-080
388-235-9000	AMD	00-05-007	388-430-0001	REP	00-05-007	388-538-060	AMD	00-04-080
388-255	PREP	00-08-054	388-430-0005	REP	00-05-007	388-538-065	NEW	00-04-080
388-265-1650	PREP	00-07-101	388-430-0010	REP	00-05-007	388-538-066	NEW	00-04-080
388-265-1750	PREP	00-07-101	388-430-0015	REP	00-05-007	388-538-070	AMD	00-04-080
388-290-850	AMD-E	00-08-061	388-430-0020	REP	00-05-007	388-538-080	AMD	00-04-080
388-290-854	NEW-E	00-08-061	388-430-0025	REP	00-05-007	388-538-090	REP	00-04-080
388-290-858	NEW-E	00-08-061	388-436-0010	REP-P	00-06-067	388-538-095	AMD	00-04-080
388-290-862	NEW-E	00-08-061	388-440-0001	AMD	00-03-034	388-538-100	AMD	00-04-080
388-290-866	NEW-E	00-08-061	388-440-0005	AMD	00-03-034	388-538-110	AMD	00-04-080
388-290-870	NEW-E	00-08-061	388-442-0010	AMD	00-05-007	388-538-120	AMD	00-04-080
388-290-874	NEW-E	00-08-061	388-444-0015	AMD	00-04-006	388-538-130	AMD	00-04-080
388-290-878	NEW-E	00-08-061	388-444-0035	AMD	00-04-006	388-538-140	AMD	00-04-080
388-290-882	NEW-E	00-08-061	388-444-0055	AMD	00-04-006	388-538-150	REP	00-04-080
388-290-886	NEW-E	00-08-061	388-444-0065	AMD	00-04-006	388-539	PREP	00-05-038
388-290-888	NEW-E	00-08-061	388-444-0075	AMD	00-04-006	388-542-0050	NEW-P	00-03-061
388-290-905	AMD-E	00-08-061	388-448-0001	PREP	00-08-055	388-542-0050	NEW	00-07-103
388-290-910	AMD-E	00-08-061	388-448-0005	PREP	00-08-055	388-542-0100	NEW-P	00-03-061
388-290-925	AMD-E	00-08-061	388-450-0015	PREP	00-03-060	388-542-0100	NEW	00-07-103
388-290-940	AMD-E	00-08-061	388-450-0015	AMD-E	00-06-023	388-542-0125	NEW-P	00-03-061
388-290-945	AMD-E	00-08-061	388-450-0035	AMD-E	00-02-062	388-542-0125	NEW	00-07-103
388-310-0200	AMD-P	00-03-051	388-478-0050	PREP	00-08-053	388-542-0150	NEW-P	00-03-061
388-310-0200	AMD	00-06-062	388-478-0055	AMD-P	00-08-058	388-542-0150	NEW	00-07-103
388-310-0200	PREP	00-07-102	388-478-0055	AMD-E	00-08-059	388-542-0200	NEW-P	00-03-061
388-310-0300	AMD-P	00-03-051	388-478-0070	AMD-P	00-07-075	388-542-0200	NEW	00-07-103
388-310-0300	AMD	00-06-062	388-478-0075	PREP	00-07-054	388-542-0250	NEW-P	00-03-061
388-310-0400	AMD-P	00-03-051	388-478-0075	AMD-E	00-07-089	388-542-0250	NEW	00-07-103
388-310-0400	AMD	00-06-062	388-478-0080	AMD-P	00-07-075	388-542-0275	NEW-P	00-03-061
388-310-0400	AMD	00-06-062	388-478-0085	PREP	00-07-054	388-542-0275	NEW	00-07-103
388-310-0400	PREP	00-07-102	388-478-0085	AMD-E	00-07-089	388-542-0300	NEW-P	00-03-061
388-310-0500	PREP	00-07-102	388-480-0001	AMD	00-05-007	388-542-0300	NEW	00-07-103
388-310-0600	PREP	00-07-102						

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-545-0500	PREP	00-08-020	392-140-665	REP	00-03-015	415-02-040	REP-P	00-04-025
388-545-500	NEW	00-04-019	392-140-675	AMD	00-03-015	415-02-050	AMD-P	00-04-025
388-547	PREP	00-03-010	392-140-680	AMD	00-03-015	415-02-060	AMD-P	00-04-025
388-550-4500	AMD-W	00-06-046	392-140-700	REP	00-02-063	415-02-070	REP-P	00-04-025
388-825-226	AMD-P	00-05-107	392-140-701	REP	00-02-063	415-02-080	AMD-P	00-04-025
388-825-226	AMD	00-08-090	392-140-702	REP	00-02-063	415-02-100	AMD-P	00-04-025
388-825-228	AMD-P	00-05-107	392-140-710	REP	00-02-063	415-02-120	NEW-P	00-04-025
388-825-228	AMD	00-08-090	392-140-711	REP	00-02-063	415-02-130	NEW-P	00-04-025
388-825-254	AMD-P	00-05-107	392-140-712	REP	00-02-063	415-04	PREP	00-04-061
388-825-254	AMD	00-08-090	392-140-713	REP	00-02-063	415-08	PREP	00-04-061
388-890-0735	NEW-W	00-02-065	392-140-714	REP	00-02-063	415-10	PREP	00-04-062
388-890-0740	NEW-W	00-02-065	392-140-715	REP	00-02-063	415-103-215	NEW-P	00-08-085
388-890-0865	NEW-W	00-02-065	392-140-716	REP	00-02-063	415-104-450	NEW-P	00-04-023
390-05-400	AMD	00-04-058	392-140-716	REP	00-02-063	415-108-315	NEW-P	00-04-024
391-08	PREP	00-04-070	392-140-720	REP	00-02-063	415-112-125	AMD-P	00-04-024
391-45	PREP	00-04-070	392-140-721	REP	00-02-063	415-112-140	AMD-P	00-04-024
391-45-070	AMD-E	00-03-053	392-140-722	REP	00-02-063	415-112-145	AMD-P	00-04-024
391-45-110	AMD-E	00-03-053	392-140-723	REP	00-02-063	415-112-155	AMD-P	00-04-024
391-45-130	AMD-E	00-03-053	392-140-724	REP	00-02-063	415-112-330	AMD-P	00-04-024
391-95	PREP	00-04-070	392-140-725	REP	00-02-063	415-112-415	AMD-XA	00-08-030
392-127-011	AMD	00-02-064	392-140-726	REP	00-02-063	415-112-460	AMD-P	00-04-024
392-127-015	AMD	00-02-064	392-140-727	REP	00-02-063	415-112-4605	AMD-P	00-04-024
392-127-030	REP	00-02-064	392-140-728	REP	00-02-063	415-112-4608	AMD-P	00-04-024
392-127-035	REP	00-02-064	392-140-730	REP	00-02-063	415-112-471	AMD-P	00-04-024
392-127-040	REP	00-02-064	392-140-731	REP	00-02-063	415-112-473	AMD-P	00-04-024
392-127-050	REP	00-02-064	392-140-732	REP	00-02-063	415-112-475	AMD-P	00-04-024
392-127-055	REP	00-02-064	392-140-733	REP	00-02-063	415-112-477	AMD-P	00-04-024
392-127-060	REP	00-02-064	392-140-735	REP	00-02-063	415-112-705	NEW-P	00-04-024
392-127-065	AMD	00-02-064	392-140-736	REP	00-02-063	415-112-920	NEW-P	00-04-024
392-127-070	AMD	00-02-064	392-140-740	REP	00-02-063	415-112-950	NEW-P	00-04-024
392-127-085	AMD	00-02-064	392-140-741	REP	00-02-063	415-501-010	AMD-P	00-08-092
392-127-095	REP	00-02-064	392-140-742	REP	00-02-063	415-501-020	AMD-P	00-08-092
392-127-101	REP	00-02-064	392-140-743	REP	00-02-063	415-501-110	RECOD-P	00-08-092
392-127-106	REP	00-02-064	392-140-744	REP	00-02-063	415-501-120	RECOD-P	00-08-092
392-127-111	AMD	00-02-064	392-140-745	REP	00-02-063	415-501-130	RECOD-P	00-08-092
392-127-112	NEW	00-02-064	392-140-746	REP	00-02-063	415-501-140	RECOD-P	00-08-092
392-127-810	REP	00-02-064	392-140-747	REP	00-02-063	415-501-150	RECOD-P	00-08-092
392-139-001	AMD-P	00-05-061	392-140-900	NEW	00-02-063	415-501-160	RECOD-P	00-08-092
392-139-005	AMD-P	00-05-061	392-140-901	NEW	00-02-063	415-501-170	RECOD-P	00-08-092
392-139-007	AMD-P	00-05-061	392-140-902	NEW	00-02-063	415-501-180	RECOD-P	00-08-092
392-139-008	NEW-P	00-05-061	392-140-903	NEW	00-02-063	415-501-190	RECOD-P	00-08-092
392-139-310	AMD-P	00-05-061	392-140-905	NEW	00-02-063	415-501-200	RECOD-P	00-08-092
392-139-310	AMD-P	00-05-061	392-140-906	NEW	00-02-063	415-501-210	RECOD-P	00-08-092
392-139-320	AMD-P	00-05-061	392-140-907	NEW	00-02-063	415-501-300	RECOD-P	00-08-092
392-139-605	REP-P	00-05-061	392-140-908	NEW	00-02-063	415-501-305	RECOD-P	00-08-092
392-139-610	AMD-P	00-05-061	392-140-910	NEW	00-02-063	415-501-310	RECOD-P	00-08-092
392-139-615	AMD-P	00-05-061	392-140-911	NEW	00-02-063	415-501-315	NEW-P	00-08-092
392-139-620	AMD-P	00-05-061	392-140-912	NEW	00-02-063	415-501-320	RECOD-P	00-08-092
392-139-622	REP-P	00-05-061	392-140-913	NEW	00-02-063	415-501-330	RECOD-P	00-08-092
392-139-623	REP-P	00-05-061	392-172-107	NEW-W	00-06-045	415-501-340	RECOD-P	00-08-092
392-139-625	AMD-P	00-05-061	392-172-109	NEW-W	00-06-045	415-501-350	RECOD-P	00-08-092
392-139-660	AMD-P	00-05-061	392-172-161	NEW-W	00-06-045	415-501-360	RECOD-P	00-08-092
392-139-661	REP-P	00-05-061	392-300-070	NEW-E	00-05-099	415-501-370	RECOD-P	00-08-092
392-139-670	AMD-P	00-05-061	399-30-030	PREP	00-04-096	415-501-380	RECOD-P	00-08-092
392-139-676	AMD-P	00-05-061	399-30-030	AMD-E	00-04-097	415-501-390	RECOD-P	00-08-092
392-140-600	AMD	00-03-015	399-30-030	AMD-P	00-08-010	415-501-390	RECOD-P	00-08-092
392-140-601	AMD	00-03-015	399-50-010	NEW-C	00-04-100	415-501-410	RECOD-P	00-08-092
392-140-605	AMD	00-03-015	399-50-020	NEW-C	00-04-100	415-501-415	RECOD-P	00-08-092
392-140-613	AMD	00-03-015	399-50-030	NEW-C	00-04-100	415-501-420	RECOD-P	00-08-092
392-140-625	AMD	00-03-015	399-50-040	NEW-C	00-04-100	415-501-430	RECOD-P	00-08-092
392-140-626	NEW	00-03-015	415-02-010	AMD-P	00-04-025	415-501-440	RECOD-P	00-08-092
392-140-630	AMD	00-03-015	415-02-020	AMD-P	00-04-025	415-501-450	RECOD-P	00-08-092
392-140-660	AMD	00-03-015	415-02-030	AMD-P	00-04-025	415-501-470	RECOD-P	00-08-092

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415-501-475	RECOD-P	00-08-092	415-512-085	DECOD-P	00-08-092	434-219-300	NEW	00-03-003
415-501-480	RECOD-P	00-08-092	415-512-086	AMD-P	00-08-092	434-219-310	AMD	00-03-003
415-501-485	RECOD-P	00-08-092	415-512-086	DECOD-P	00-08-092	434-219-320	AMD	00-03-003
415-501-486	RECOD-P	00-08-092	415-512-087	AMD-P	00-08-092	434-230-170	AMD-S	00-07-052
415-501-487	RECOD-P	00-08-092	415-512-087	DECOD-P	00-08-092	434-230-210	AMD-S	00-07-052
415-501-490	RECOD-P	00-08-092	415-512-090	AMD-P	00-08-092	434-230-220	NEW-S	00-07-052
415-501-495	RECOD-P	00-08-092	415-512-090	DECOD-P	00-08-092	434-240-202	NEW-E	00-03-036
415-501-500	RECOD-P	00-08-092	415-512-095	AMD-P	00-08-092	434-257	AMD-E	00-04-010
415-501-510	RECOD-P	00-08-092	415-512-095	DECOD-P	00-08-092	434-257-010	AMD-E	00-04-010
415-501-520	RECOD-P	00-08-092	415-512-110	AMD-P	00-08-092	434-257-020	AMD-E	00-04-010
415-501-530	RECOD-P	00-08-092	415-512-110	DECOD-P	00-08-092	434-257-030	AMD-E	00-04-010
415-501-540	RECOD-P	00-08-092	415-524-010	AMD-P	00-08-092	434-257-050	REP-E	00-04-010
415-501-550	RECOD-P	00-08-092	415-524-010	DECOD-P	00-08-092	434-257-070	AMD-E	00-04-010
415-501-560	RECOD-P	00-08-092	415-528-010	DECOD-P	00-08-092	434-257-080	REP-E	00-04-010
415-501-570	RECOD-P	00-08-092	415-532-010	AMD-P	00-08-092	434-257-090	AMD-E	00-04-010
415-501-580	RECOD-P	00-08-092	415-532-010	DECOD-P	00-08-092	434-257-100	AMD-E	00-04-010
415-501-590	RECOD-P	00-08-092	415-532-020	AMD-P	00-08-092	434-257-120	REP-E	00-04-010
415-501-600	RECOD-P	00-08-092	415-532-020	DECOD-P	00-08-092	434-257-130	AMD-E	00-04-010
415-501-610	RECOD-P	00-08-092	415-536-010	AMD-P	00-08-092	434-257-150	AMD-E	00-04-010
415-501-710	RECOD-P	00-08-092	415-536-010	DECOD-P	00-08-092	434-262-080	AMD-P	00-05-095
415-501-720	RECOD-P	00-08-092	415-540-010	AMD-P	00-08-092	434-262-110	AMD-P	00-05-095
415-504-010	AMD-P	00-08-092	415-540-010	DECOD-P	00-08-092	434-262-120	AMD-P	00-05-095
415-504-010	DECOD-P	00-08-092	415-544-010	AMD-P	00-08-092	434-334-090	AMD-P	00-05-094
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415-504-030	DECOD-P	00-08-092	415-548-010	DECOD-P	00-08-092	434-334-127	NEW-P	00-05-094
415-504-040	DECOD-P	00-08-092	415-552-010	AMD-P	00-08-092	434-334-140	AMD-P	00-05-094
415-504-050	DECOD-P	00-08-092	415-552-010	DECOD-P	00-08-092	434-334-160	AMD-P	00-05-094
415-504-060	DECOD-P	00-08-092	415-556-010	AMD-P	00-08-092	434-334-165	AMD-P	00-05-094
415-504-070	DECOD-P	00-08-092	415-556-010	DECOD-P	00-08-092	434-663-100	AMD-P	00-04-083
415-504-080	DECOD-P	00-08-092	415-560-010	DECOD-P	00-08-092	434-663-270	NEW-P	00-04-083
415-504-090	AMD-P	00-08-092	415-564-010	AMD-P	00-08-092	434-663-280	NEW-P	00-04-083
415-504-090	DECOD-P	00-08-092	415-564-010	DECOD-P	00-08-092	434-663-300	AMD-P	00-04-083
415-504-100	AMD-P	00-08-092	415-564-020	AMD-P	00-08-092	434-663-305	NEW-P	00-04-083
415-504-100	DECOD-P	00-08-092	415-564-020	DECOD-P	00-08-092	434-663-310	AMD-P	00-04-083
415-504-110	AMD-P	00-08-092	415-564-030	DECOD-P	00-08-092	434-663-320	AMD-P	00-04-083
415-504-110	DECOD-P	00-08-092	415-564-040	AMD-P	00-08-092	434-663-400	AMD-P	00-04-083
415-508-010	AMD-P	00-08-092	415-564-040	DECOD-P	00-08-092	434-663-400	DECOD-P	00-04-083
415-508-010	DECOD-P	00-08-092	415-564-050	AMD-P	00-08-092	434-663-405	NEW-P	00-04-083
415-508-020	DECOD-P	00-08-092	415-564-050	DECOD-P	00-08-092	434-663-410	AMD-P	00-04-083
415-508-030	DECOD-P	00-08-092	415-564-060	DECOD-P	00-08-092	434-663-410	DECOD-P	00-04-083
415-508-040	DECOD-P	00-08-092	415-568-010	DECOD-P	00-08-092	434-663-420	AMD-P	00-04-083
415-508-050	AMD-P	00-08-092	415-568-020	DECOD-P	00-08-092	434-663-420	DECOD-P	00-04-083
415-508-050	DECOD-P	00-08-092	434-219-020	AMD	00-03-003	434-663-430	AMD-P	00-04-083
415-512-010	AMD-P	00-08-092	434-219-120	AMD	00-03-003	434-663-430	DECOD-P	00-04-083
415-512-010	DECOD-P	00-08-092	434-219-160	AMD	00-03-003	434-663-440	AMD-P	00-04-083
415-512-015	AMD-P	00-08-092	434-219-160	AMD-E	00-03-036	434-663-440	DECOD-P	00-04-083
415-512-015	DECOD-P	00-08-092	434-219-165	NEW	00-03-003	434-663-450	DECOD-P	00-04-083
415-512-020	AMD-P	00-08-092	434-219-170	NEW	00-03-003	434-663-460	REP-P	00-04-083
415-512-020	DECOD-P	00-08-092	434-219-180	AMD	00-03-003	434-663-470	REP-P	00-04-083
415-512-030	AMD-P	00-08-092	434-219-185	NEW	00-03-003	434-663-480	REP-P	00-04-083
415-512-030	DECOD-P	00-08-092	434-219-210	AMD	00-03-003	434-663-490	AMD-P	00-04-083
415-512-040	AMD-P	00-08-092	434-219-220	AMD	00-03-003	434-663-490	DECOD-P	00-04-083
415-512-040	DECOD-P	00-08-092	434-219-230	AMD	00-03-003	434-663-510	REP-P	00-04-083
415-512-050	AMD-P	00-08-092	434-219-240	AMD	00-03-003	434-663-520	REP-P	00-04-083
415-512-050	DECOD-P	00-08-092	434-219-240	AMD	00-03-003	434-663-530	AMD-P	00-04-083
415-512-070	AMD-P	00-08-092	434-219-250	AMD	00-03-003	434-663-600	AMD-P	00-04-083
415-512-070	DECOD-P	00-08-092	434-219-255	NEW	00-03-003	434-663-610	AMD-P	00-04-083
415-512-075	AMD-P	00-08-092	434-219-260	AMD	00-03-003	434-663-620	AMD-P	00-04-083
415-512-075	DECOD-P	00-08-092	434-219-270	AMD	00-03-003	434-663-640	NEW-P	00-04-083
415-512-080	AMD-P	00-08-092	434-219-280	AMD	00-03-003	434-663-700	RECOD-P	00-04-083
415-512-080	DECOD-P	00-08-092	434-219-280	AMD-E	00-05-093	434-663-710	RECOD-P	00-04-083
415-512-085	AMD-P	00-08-092	434-219-285	NEW	00-03-003	434-663-720	RECOD-P	00-04-083
			434-219-290	AMD	00-03-003			

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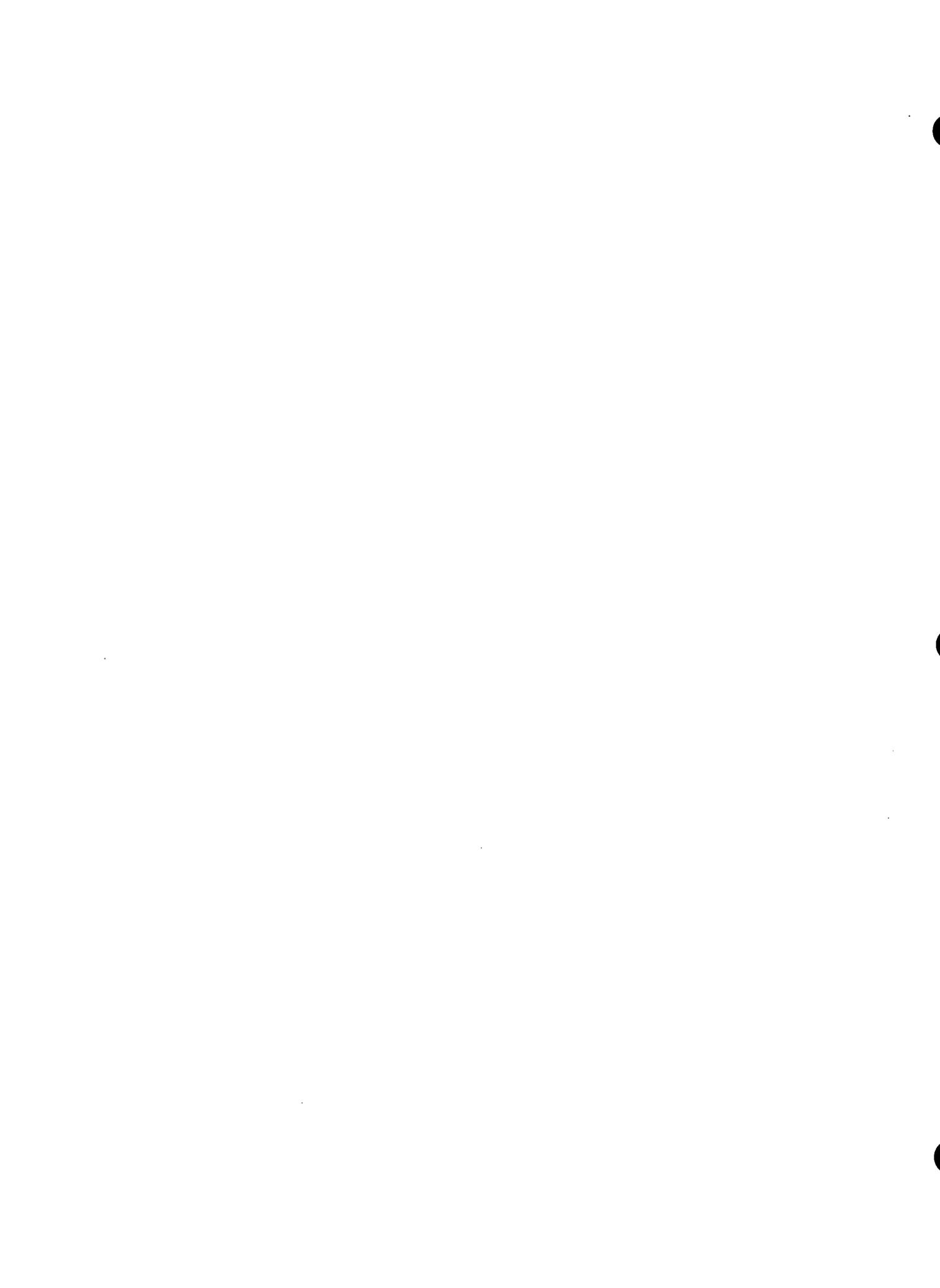
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434-663-730	RECOD-P	00-04-083	460-46A-055	REP	00-04-095	480-60-040	AMD	00-04-011
434-663-740	RECOD-P	00-04-083	460-46A-061	REP	00-04-095	480-60-050	AMD	00-04-011
434-663-750	RECOD-P	00-04-083	460-46A-065	REP	00-04-095	480-60-060	AMD	00-04-011
434-663-760	RECOD-P	00-04-083	460-46A-071	REP	00-04-095	480-60-070	REP	00-04-011
434-663-770	NEW-P	00-04-083	460-46A-072	REP	00-04-095	480-60-080	AMD	00-04-011
434-663-780	NEW-P	00-04-083	460-46A-090	REP	00-04-095	480-60-090	AMD	00-04-011
437-20-010	NEW-C	00-07-124	460-46A-091	REP	00-04-095	480-60-99002	REP	00-04-011
440-44-028	REP	00-07-045	460-46A-092	REP	00-04-095	480-60-99003	REP	00-04-011
446-30-010	AMD	00-02-069	460-46A-095	REP	00-04-095	480-66-010	REP	00-04-011
446-85-005	NEW-P	00-06-037	460-46A-100	REP	00-04-095	480-66-020	REP	00-04-011
446-85-010	NEW-P	00-06-037	460-46A-105	REP	00-04-095	480-66-030	REP	00-04-011
458-12-315	REP-P	00-05-033	460-46A-110	REP	00-04-095	480-66-040	REP	00-04-011
458-12-320	AMD-P	00-05-033	460-46A-115	REP	00-04-095	480-66-050	REP	00-04-011
458-16-080	AMD-P	00-05-032	460-46A-145	REP	00-04-095	480-66-060	REP	00-04-011
458-16-081	REP-P	00-05-032	460-46A-150	REP	00-04-095	480-66-070	REP	00-04-011
458-16A-010	AMD-P	00-06-073	460-46A-155	REP	00-04-095	480-66-100	NEW	00-04-011
458-16A-020	AMD-P	00-06-073	460-46A-160	REP	00-04-095	480-66-110	NEW	00-04-011
458-20-135	AMD-E	00-04-026	460-46A-165	REP	00-04-095	480-66-120	NEW	00-04-011
458-20-135	AMD-P	00-04-029	468-14-010	REP-XR	00-07-027	480-66-140	NEW	00-04-011
458-20-13501	PREP	00-04-027	468-14-020	REP-XR	00-07-027	480-66-150	NEW	00-04-011
458-20-136	AMD-E	00-04-026	468-14-030	REP-XR	00-07-027	480-66-160	NEW	00-04-011
458-20-136	AMD-P	00-04-029	468-14-040	REP-XR	00-07-027	480-66-170	NEW	00-04-011
458-20-13601	NEW-E	00-04-026	468-14-050	REP-XR	00-07-027	480-66-200	NEW	00-04-011
458-20-13601	NEW-P	00-04-029	468-16-080	PREP	00-07-026	480-66-210	NEW	00-04-011
458-20-18801	PREP	00-08-072	468-16-100	PREP	00-07-026	480-66-220	NEW	00-04-011
458-20-195	PREP	00-08-110	468-16-150	PREP	00-07-026	480-66-230	NEW	00-04-011
458-20-217	PREP	00-05-073	468-38-070	PREP	00-04-068	480-66-300	NEW	00-04-011
458-20-228	AMD	00-04-028	468-38-070	AMD-P	00-07-072	480-66-310	NEW	00-04-011
458-20-239	AMD-XA	00-05-015	468-38-110	AMD-S	00-07-071	480-66-320	NEW	00-04-011
458-20-261	AMD-XA	00-03-001	468-38-290	AMD-E	00-05-087	480-66-330	NEW	00-04-011
458-30-200	PREP	00-05-074	468-38-290	PREP	00-05-088	480-66-400	NEW	00-04-011
458-30-275	PREP	00-05-074	468-38-290	AMD-P	00-08-047	480-66-410	NEW	00-04-011
458-30-285	PREP	00-05-074	468-300-010	PREP	00-04-086	480-66-420	NEW	00-04-011
458-30-295	PREP	00-05-074	468-300-020	PREP	00-04-086	480-66-430	NEW	00-04-011
458-30-300	PREP	00-05-074	468-300-040	PREP	00-04-086	480-66-440	NEW	00-04-011
458-30-305	PREP	00-05-074	468-300-220	PREP	00-04-086	480-66-450	NEW	00-04-011
458-30-310	PREP	00-05-074	478-132-010	AMD	00-04-038	480-66-460	NEW	00-04-011
458-30-315	PREP	00-05-074	478-132-030	AMD	00-04-038	480-66-470	NEW	00-04-011
458-30-325	PREP	00-05-074	478-324-020	AMD	00-04-039	480-66-480	NEW	00-04-011
458-30-350	PREP	00-05-074	478-324-030	AMD	00-04-039	480-66-490	NEW	00-04-011
458-40-060	PREP	00-08-109	478-324-040	AMD	00-04-039	480-66-500	NEW	00-04-011
458-40-650	PREP	00-08-108	478-324-045	NEW	00-04-039	480-66-510	NEW	00-04-011
458-40-660	PREP	00-06-053	478-324-050	REP	00-04-039	480-66-520	NEW	00-04-011
458-61-230	AMD-P	00-04-055	478-324-060	AMD	00-04-039	480-66-600	NEW	00-04-011
460-21C-005	NEW-P	00-02-068	478-324-070	AMD	00-04-039	480-66-620	NEW	00-04-011
460-21C-005	NEW	00-05-055	478-324-090	AMD	00-04-039	480-120-139	AMD	00-03-047
460-21C-010	NEW-P	00-02-068	478-324-110	AMD	00-04-039	480-120-990	NEW-S	00-07-047
460-21C-010	NEW	00-05-055	478-324-120	AMD	00-04-039	495A-121-010	NEW-P	00-05-017
460-21C-020	NEW-P	00-02-068	478-324-130	AMD	00-04-039	495A-121-011	NEW-P	00-05-017
460-21C-020	NEW	00-05-055	478-324-140	AMD	00-04-039	495A-121-012	NEW-P	00-05-017
460-21C-030	NEW-P	00-02-068	478-324-150	AMD	00-04-039	495A-121-020	NEW-P	00-05-017
460-21C-030	NEW	00-05-055	478-324-170	AMD	00-04-039	495A-121-021	NEW-P	00-05-017
460-21C-040	NEW-P	00-02-068	478-324-180	AMD	00-04-039	495A-121-022	NEW-P	00-05-017
460-21C-040	NEW	00-05-055	478-324-190	AMD	00-04-039	495A-121-023	NEW-P	00-05-017
460-44A-500	AMD	00-04-094	478-324-200	AMD	00-04-039	495A-121-024	NEW-P	00-05-017
460-44A-504	AMD	00-04-094	478-324-210	AMD	00-04-039	495A-121-025	NEW-P	00-05-017
460-46A-010	REP	00-04-095	480-60-010	AMD	00-04-011	495A-121-026	NEW-P	00-05-017
460-46A-020	REP	00-04-095	480-60-012	NEW	00-04-011	495A-121-027	NEW-P	00-05-017
460-46A-025	REP	00-04-095	480-60-014	NEW	00-04-011	495A-121-028	NEW-P	00-05-017
460-46A-030	REP	00-04-095	480-60-020	AMD	00-04-011	495A-121-029	NEW-P	00-05-017
460-46A-040	REP	00-04-095	480-60-030	AMD	00-04-011	495A-121-040	NEW-P	00-05-017
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495A-121-043	NEW-P	00-05-017	495C-280-015	REP-P	00-08-105			
495A-121-044	NEW-P	00-05-017	495C-280-020	REP-P	00-08-105			
495A-121-045	NEW-P	00-05-017	495C-280-030	REP-P	00-08-105			
495A-121-046	NEW-P	00-05-017	495C-280-040	REP-P	00-08-105			
495A-121-047	NEW-P	00-05-017	495C-280-050	REP-P	00-08-105			
495A-121-048	NEW-P	00-05-017	495C-280-060	REP-P	00-08-105			
495A-121-049	NEW-P	00-05-017	495C-280-070	REP-P	00-08-105			
495A-121-060	NEW-P	00-05-017	495C-280-080	REP-P	00-08-105			
495A-121-061	NEW-P	00-05-017	495C-280-090	REP-P	00-08-105			
495A-121-062	NEW-P	00-05-017	495C-280-100	REP-P	00-08-105			
495A-121-063	NEW-P	00-05-017	495C-280-110	REP-P	00-08-105			
495A-121-064	NEW-P	00-05-017	495C-280-120	REP-P	00-08-105			
495A-121-065	NEW-P	00-05-017	495D-120-040	AMD	00-03-031			
495A-121-066	NEW-P	00-05-017	495D-135-040	AMD	00-03-030			
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495A-121-090	NEW-P	00-05-017	516- 34	PREP	00-07-078			
495A-121-091	NEW-P	00-05-017	516- 35	PREP	00-07-078			
495A-121-092	NEW-P	00-05-017	516- 52	PREP	00-05-030			
495A-121-093	NEW-P	00-05-017	516- 52-010	AMD-P	00-08-065			
495A-121-094	NEW-P	00-05-017						
495C-104-010	AMD-P	00-08-105						
495C-108-040	AMD-P	00-08-105						
495C-116-100	AMD-P	00-08-105						
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495C-116-190	AMD-P	00-08-105						
495C-116-210	AMD-P	00-08-105						
495C-116-260	AMD-P	00-08-105						
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495C-276-060	AMD-P	00-08-105						
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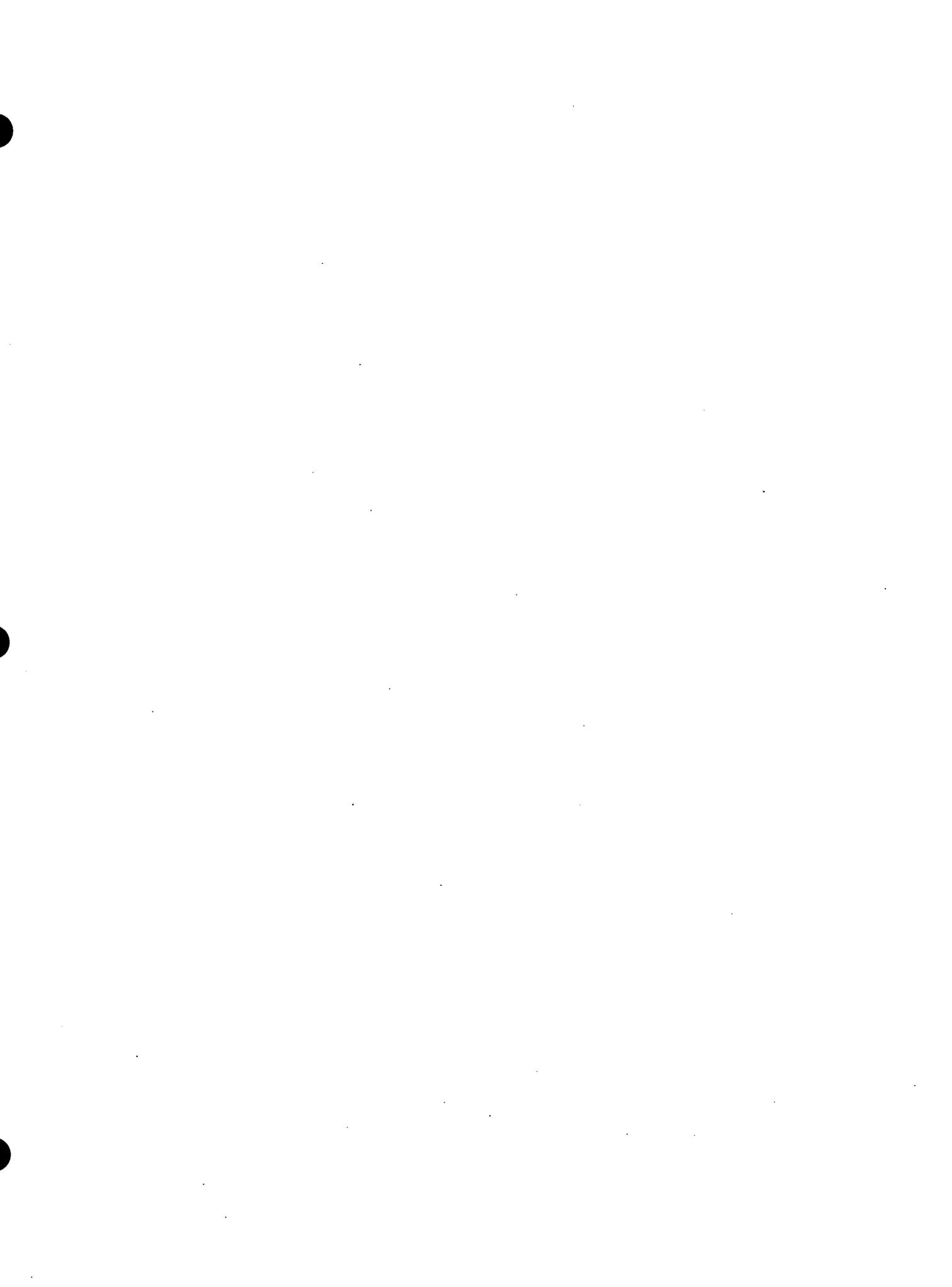
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